

Message

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**From:** Tracy Mehan [tmehan@awwa.org]  
**Sent:** 8/23/2018 9:06:47 PM  
**To:** Best-Wong, Benita [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6ee79b3d0fc0429b99f2c05481b0b957-bbestwon]  
**Subject:** FW: Bromide and Drinking Water: A classic cross-media transfer problem  
**Attachments:** Bromide and Drinking Water.pdf

FYI.

Tracy

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**From:** Tracy Mehan  
**Sent:** Thursday, August 23, 2018 3:45 PM  
**To:** 'ross.davidp@epa.gov' <ross.davidp@epa.gov>; D. Lee Lee Forsgren (Forsgren.Lee@epa.gov) <Forsgren.Lee@epa.gov>; 'Wildeman, Anna' <wildeman.anna@epa.gov>; 'Grevatt, Peter' <Grevatt.Peter@epa.gov>; 'Sawyers, Andrew' <Sawyers.Andrew@epa.gov>; 'Deborah G. G. Nagle (nagle.deborah@epa.gov)' <nagle.deborah@epa.gov>; Laity, Jim A. [Ex. 6 - Personal Privacy] 'Dorjets, Vlad' [Ex. 6 - Personal Privacy] [Ex. 6 - Personal Privacy] Schwab, Margo [Ex. 6 - Personal Privacy]  
**Cc:** Steve Via <svia@awwa.org>; Adam Carpenter <acarpenter@awwa.org>  
**Subject:** Bromide and Drinking Water: A classic cross-media transfer problem

We are most grateful for the attention OW staff has given the issue of bromide and safe drinking water as well as for Assistant Administrator Ross's recent letter acknowledging AWWA's letter of June 8<sup>th</sup> relative to this matter.

This is a classic cross-media transfer problem implicating the Clean Air, Clean Water and Safe Drinking Water Acts with the problem landing squarely on downstream drinking water utilities seeking to comply with legal requirements relating to disinfection by-products. With this in mind, I wanted to share with you the attached Power Point presentation which might be a bit more accessible in terms of explaining the challenges involved. We thank our experts, Nancy McTigue and Jeanne Van Briesen for putting this together.

We would, of course, be happy to answer any questions you might have. Please feel free to contact me, Steve Via or Adam Carpenter anytime. Thank you for your interest.

G. Tracy Mehan, III  
Executive Director, Government Affairs  
American Water Works Association  
202-326-6125 (direct)

[Ex. 6 - Personal Privacy]

Attachment

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# STATE OF THE SCIENCE ON BROMIDE DISCHARGE IMPACTS ON DRINKING WATER

WITH EXPERT PRESENTATIONS  
FROM NANCY MCTIGUE AND  
JEANNE VANBRIESEN



## WHY ARE WE HERE TODAY?

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### Key Past Comments:

- September 20, 2013: Comments on proposed Steam Power ELG (EPA-HQ-OW-2009-0819)
- December 5, 2016: AWWA-NAWC Opening Brief in Southwestern Electric Power et al. v. USEPA et al
- July 5, 2017: AWWA-NAWC Comments on postponement of compliance dates (EPA-HQ-OW-2009-0819-6485)
- AWWA and its partners have consistently requested that EPA examine the impacts of bromide discharges on downstream water systems and take action to regulate such discharges as part of the Steam Power ELG.
- Today, experts will provide scientific information demonstrating the need for EPA to conduct this analysis and take appropriate actions



# Steam Electric Power Plant Effluent Limitation Guidelines (ELGs)

Rule finalized on  
**September 30, 2015**

Timeline for compliance:  
2018-2023  
(postponed 2 years for FGD)

Bromide is not included  
directly

“Depending on site-specific conditions and applicable state water quality standards, it **may be appropriate for permitting authorities to establish water quality-based effluent-limitations on bromide**, especially where steam electric power plants are located **upstream from drinking water intakes.**” TDD 14-35 and Final Rule p. 67886



## Outline:

- Review of Disinfection byproducts, emphasizing brominated DBPs
- Bromide spiking study
- Estimating Bromide Loads and in-stream Concentration contributions from Wet FGD





# DISINFECTION BYPRODUCTS (DPS)

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FORMATION AND IMPACT OF  
INCREASED BROMIDE

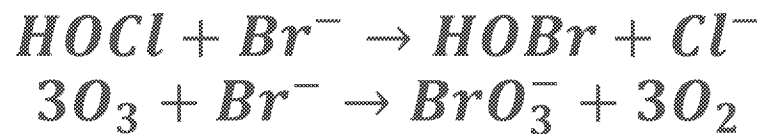
NANCY MCTIGUE



# BROMINE FORMATION

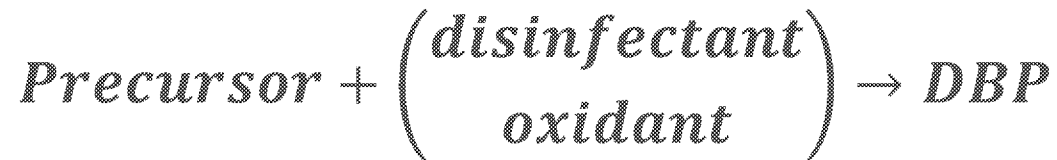
- Inorganic Precursors

bromide ion



## BRIEF OVERVIEW OF WHAT ARE DBPs

- *Disinfection By-Products formed when halogens react with natural organic matter in the water*



- Precursor = TOC, DOC, NOM, inorganic ion

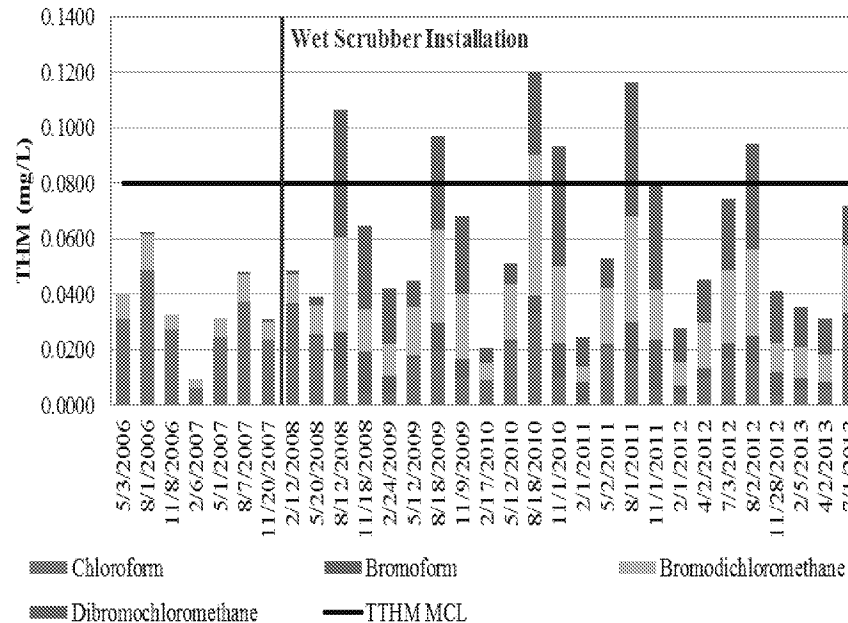


# IMPACT OF BROMIDE ON THMs

- Brominated DBPs have higher MW, compared to their chlorinated counterparts (e.g., bromoform versus chloroform) and can react with more precursors
  - TTHM MCL is mass based not molar based, hence the same amount of precursor will result in a higher concentration of TTHM with bromine than with chlorine
  - Generally brominated DBPs form faster and more completely than chlorinated
  - Possibly causing exceedance of DBP limits
- Brominated DBPs have reportedly greater health risks than chlorinated DBPs



# COAL-FIRED POWER PLANT Hg CONTROLS IMPACTING DOWNSTREAM WTPs



Source: McTigue, N.E., et al Occurrence and Consequences of Increased Bromide in Drinking Water Sources. Journal AWWA, Nov. 2014.



# CANCER CONCERNS WITH BROMINATED THMs DUE TO POWER PLANTS --- STIG REGLI, EPA ODW, ES&T 2015

- Bromide increase of 50  $\mu\text{g/L}$  could result in a potential increase of  $10^{-3}$  to  $10^{-4}$  excess lifetime bladder cancer risk
- At the 50  $\mu\text{g/L}$  bromide increase
  - 90% of water treatment plants would have an increase in THM of at least 1  $\mu\text{g/L}$
  - 5 to 30% of all plants would have an increase in THM of at least 10  $\mu\text{g/L}$



# SUMMARY OF NUMBER OF POWER PLANTS THAT COULD IMPACT WTPS

EIA 2011 Database		EIA 2013 Database			
Description	Currently Have Wet Scrubbers	Have or Likely to Add Wet Scrubbers		Potential to Add Wet Scrubbers	Total Wet Scrubbers (Have, Likely to Add, and Potential to Add)
Coal-fired power plants	118	225		182	407
Impacted water supply watersheds	57	112	+	96	208
Downstream water treatment plants	96	257		316	573
States with impacted water supply watersheds	22	25		28	53

Source: Cornwell, D. et al, Impact of Increased Bromide Discharges from Industrial Sources to Water utilities. Presented at AWWA ACE 2016.





# BROMIDE SPIKING STUDY

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CONDUCTED BY CORNWELL  
ENGINEERING GROUP, 2015

NANCY MCTIGUE



# BROMIDE SPIKE STUDY

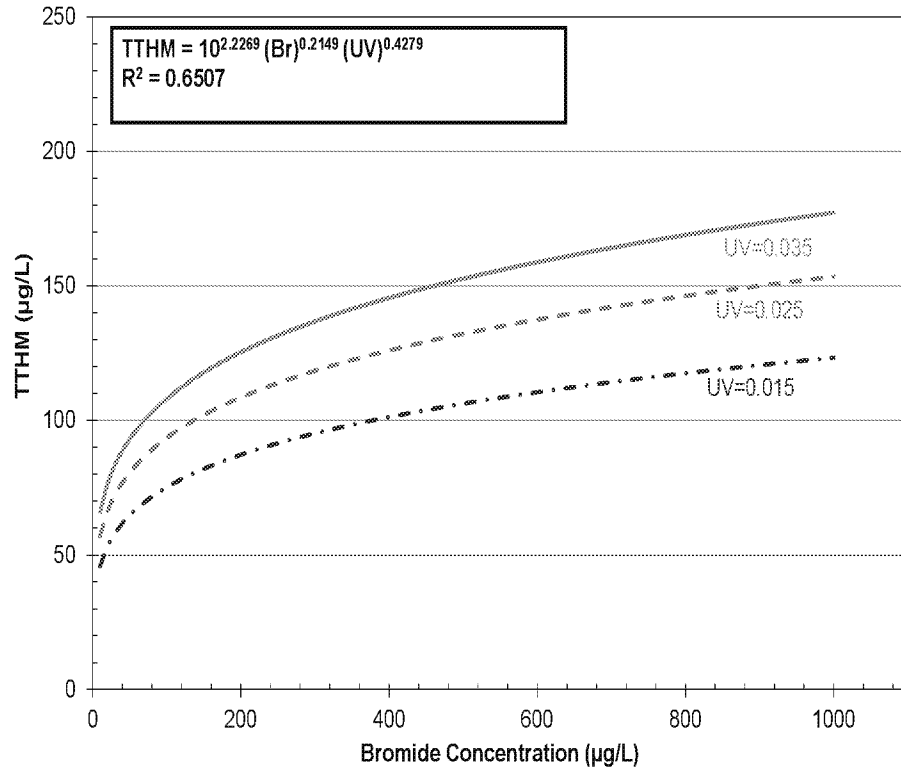
- Obtained **treated** water w/o disinfectant from 15 utilities
- Lab addition of chlorine or chloramine and bromide at 20, 100, 500, 1000  $\mu\text{g/L}$
- Measured THM, HAA5 (regulated), HAA4
  - Therefore HAA9 as measured number
- Modeled results shown for THM only

Source: Cornwell, D. et al, Modeling Bromide River Transport and Bromide Impacts on DBPs. In publication Journal AWWA 2018.



## MODEL RESULTS FOR INCREASE OF THM vs BROMIDE

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Source: Cornwell, D. et al, Modeling Bromide River Transport and Bromide Impacts on DBPs. In publication Journal AWWA 2018.



## NET THM INCREASE PER LISTED BROMIDE SPIKE

Statistical Characteristic	$\Delta Br$ Spike ( $\mu g/L$ )				
	10	30	50	75	100
	$\Delta TTHM$ ( $\mu g/L$ ) from model †				
median	13.3	26.0	33.7	40.7	46.2
95 <sup>th</sup> percentile	16.0	31.2	40.5	49.0	55.5
min	9.9	19.3	25.1	30.3	34.3

As a Comparison—Regli indicated 10 ppb brominated DBP increase  
= $10^{-3}$  to  $10^{-4}$  Cancer Risk

Source: Cornwell, D. et al, Modeling Bromide River Transport and Bromide  
Impacts on DBPs. In publication Journal AWWA 2018.



# ESTIMATING BROMIDE LOADS AND IN-STREAM CONCENTRATION CONTRIBUTIONS FROM WET FGD

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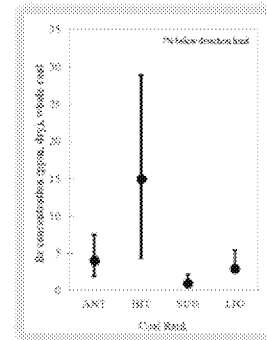
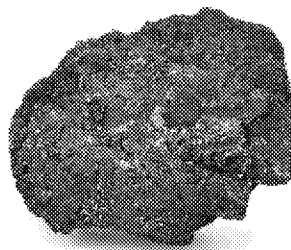
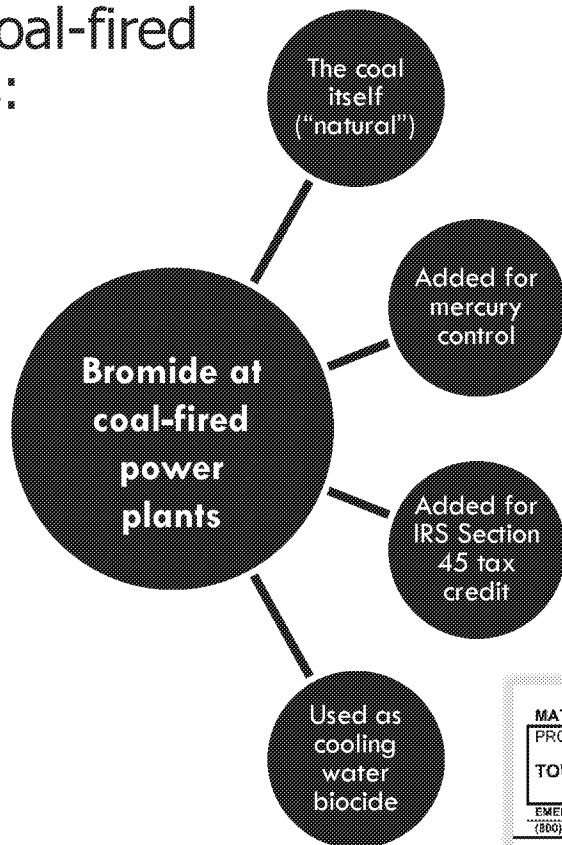
JEANNE M VANBRIESEN, PH.D., P.E.

DUQUESNE LIGHT COMPANY PROFESSOR OF CIVIL  
AND ENVIRONMENTAL ENGINEERING AND  
ENGINEERING AND PUBLIC POLICY

CARNEGIE MELLON UNIVERSITY



There are several potential sources of bromide at coal-fired power plants:



Volume 93 Issue 11 | pp. 17-19  
Issue Date: March 16, 2015

### Bromine Comes To The Rescue For Mercury Power Plant Emissions

Element now at the top of the list for emission control technologies

By Marc S. Reisch

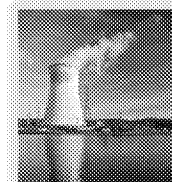
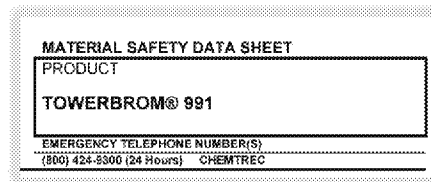
MerControl® 7895

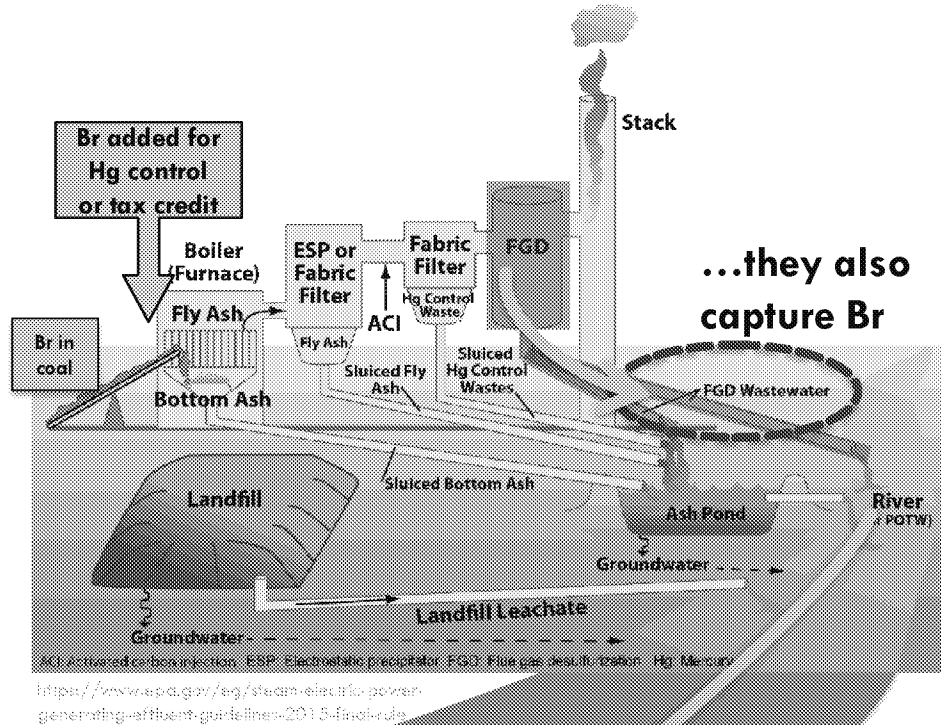


### With help of coal tax credits, Mylan had a negative 294-percent tax rate in 2016

The company lobbies to five coal processing companies to get highly valuable tax credits.

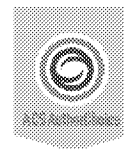
WASH. POST | 10/20/2017, 11:30 AM





Wet FGD wastewater discharges release bromide naturally present in coal and bromide added for mercury control or Section 45 credit

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Article

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# ENVIRONMENTAL Science & Technology

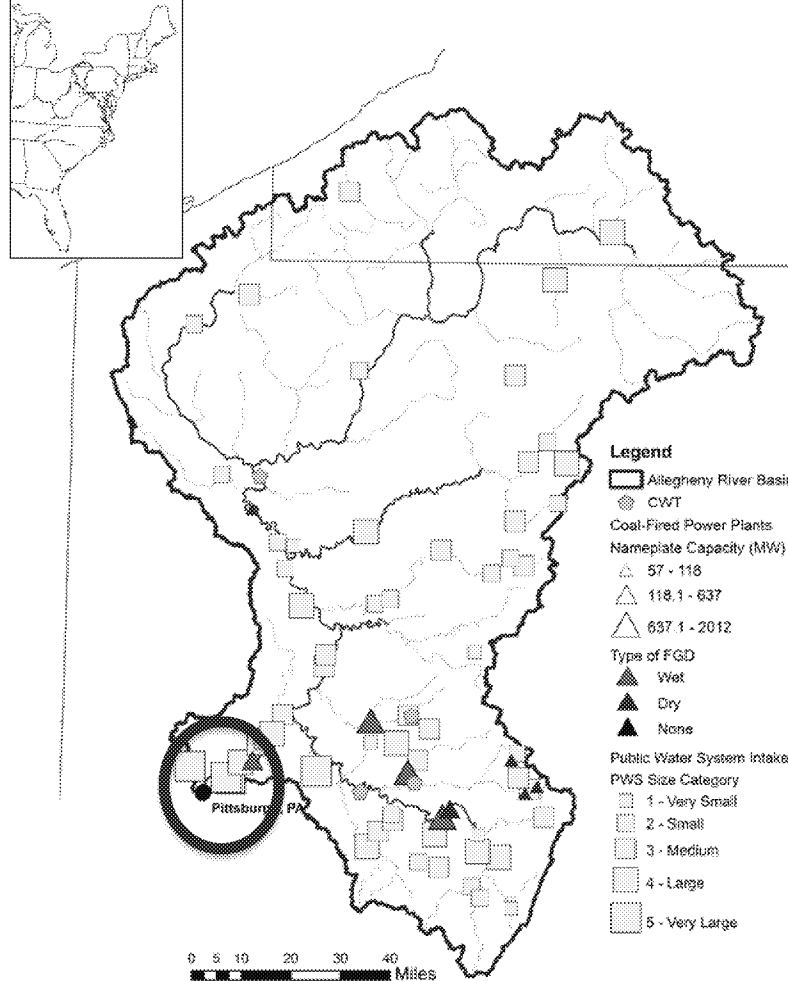
## Current and Potential Future Bromide Loads from Coal-Fired Power Plants in the Allegheny River Basin and Their Effects on Downstream Concentrations

Kelly D. Good and Jeanne M. VanBriesen\*

Department of Civil and Environmental Engineering, Carnegie Mellon University, 5000 Forbes Avenue, Pittsburgh, Pennsylvania 15213, United States

*Environmental Science and Technology*.2016. 50(17): 9078-9088.





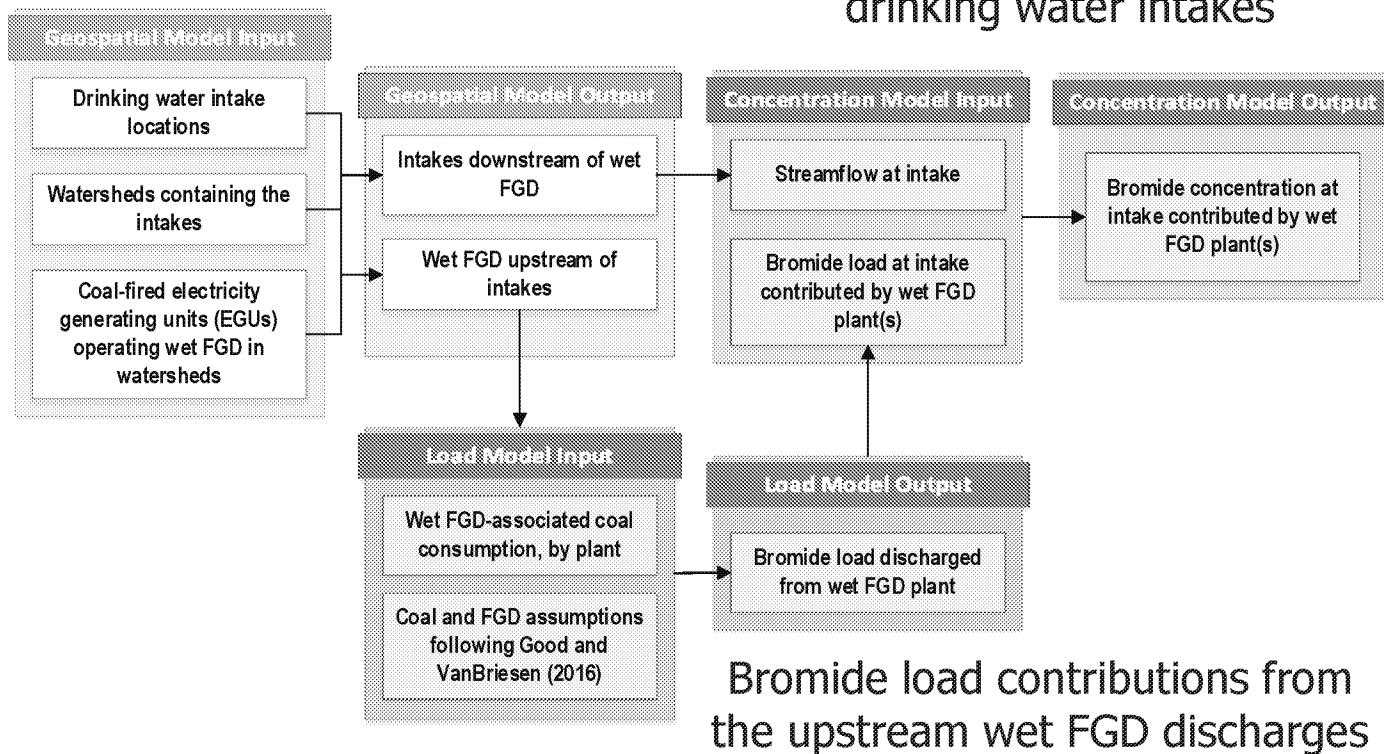
**The Allegheny Basin is a  
Drinking Water source for  
1.2 million people.**

**8 (of 59) drinking  
water treatment  
plants are  
downstream of  
power plants with  
wet FGD systems.**

***This is only 14% of the DWTPs in the  
basin but approximately  
36% of the population served  
(over 450,000 people).***

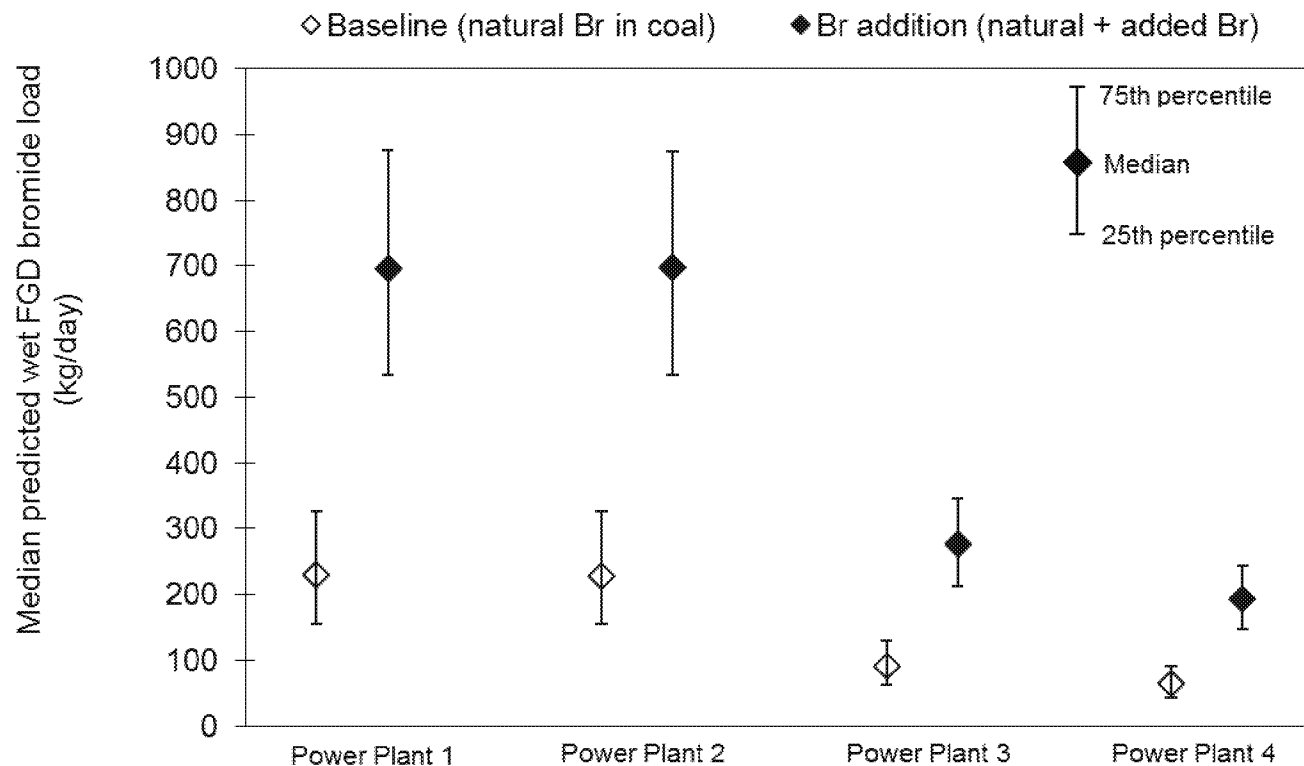
## Drinking water intakes downstream of wet FGD discharge(s)

## Bromide concentration contributions from wet FGD at drinking water intakes



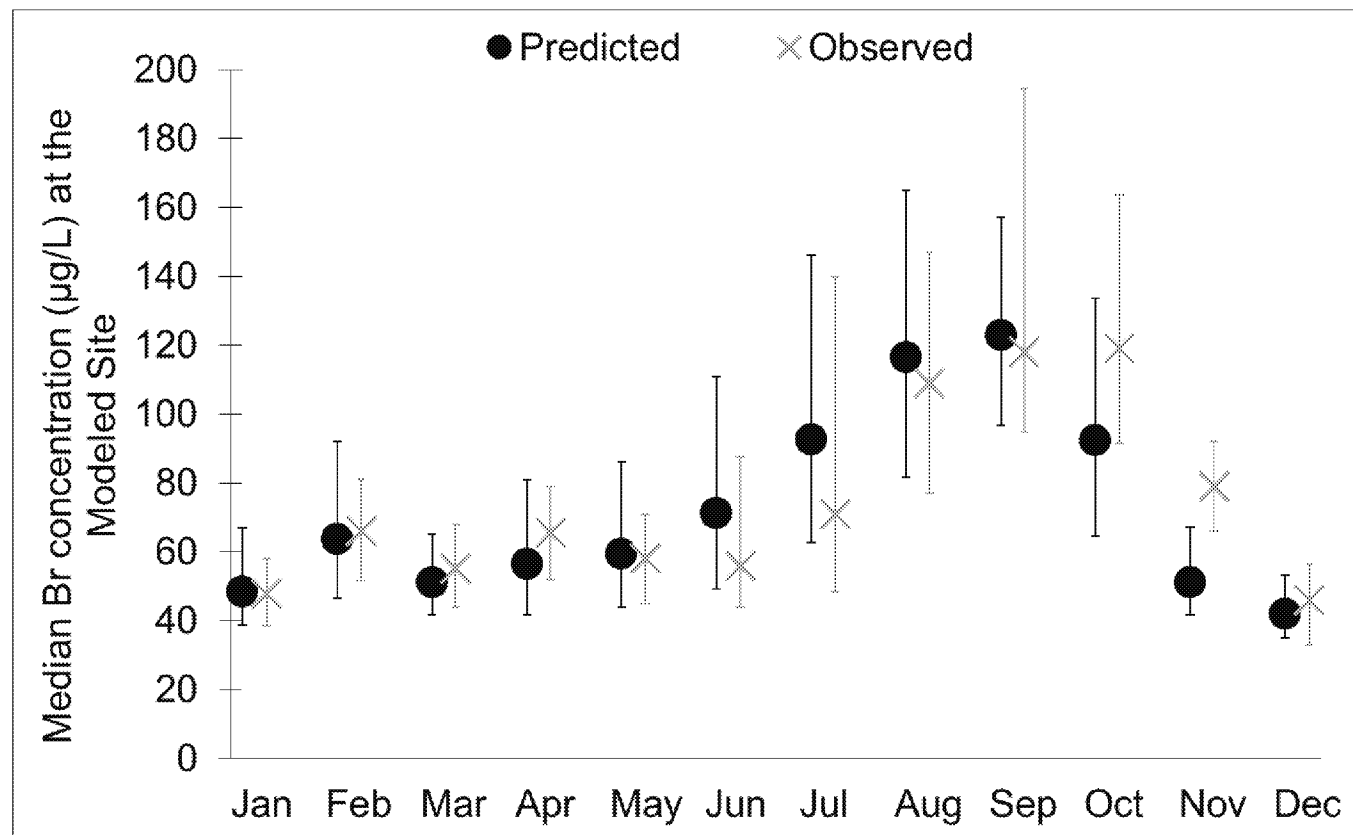
## Bromide load contributions from the upstream wet FGD discharges

# **Bromide loads can be estimated from coal consumption information. Bromide addition for mercury control can significantly affect bromide loads.**



NOTE: Bromide addition estimated were for Hg control, using rates from the trial at the Conomaugh plant as the highest value (106 ppm). These projections are lower than if bromide additions reported for Section 45 tax credit were used (see EPRI 2014).

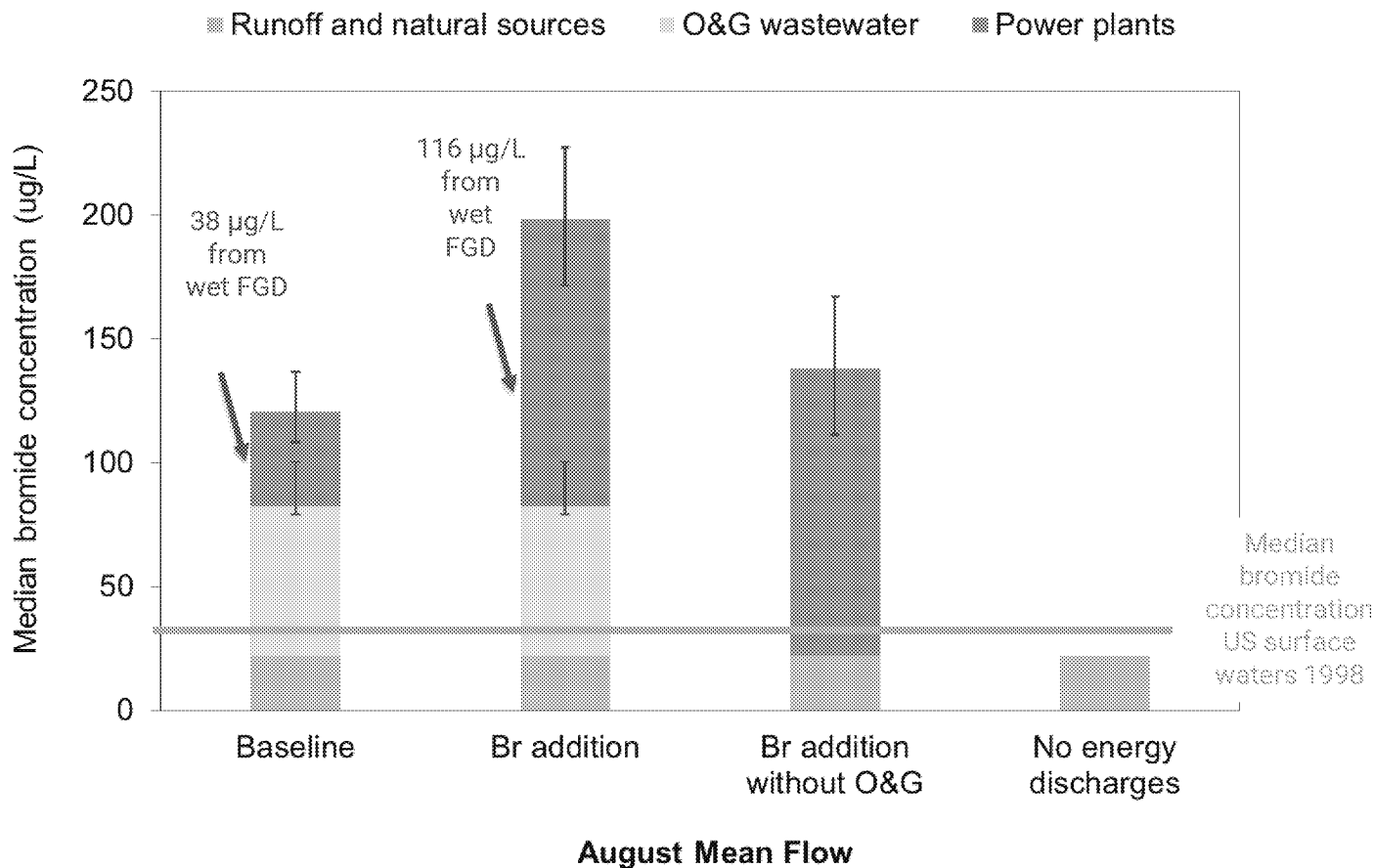
# Loads are diluted in flows, which vary seasonally and inter-annually.



Model validation for the period Water Year 2012-2014 shows that predicted and observed bromide concentrations are not significantly different for most months ( $\alpha=0.05$ ).

This modeling is based on naturally-occurring bromide in coal, not bromide added for Hg control.

**Concentration contributions from power plants can be estimated under different scenarios and flow conditions.**



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Article

Cite This: *Environ. Sci. Technol.* 2017, 51, 11829-11838

pubs.acs.org/est

# ENVIRONMENTAL Science & Technology

## Power Plant Bromide Discharges and Downstream Drinking Water Systems in Pennsylvania

Kelly D. Good<sup>†</sup> and Jeanne M. VanBriesen<sup>\*,‡</sup>

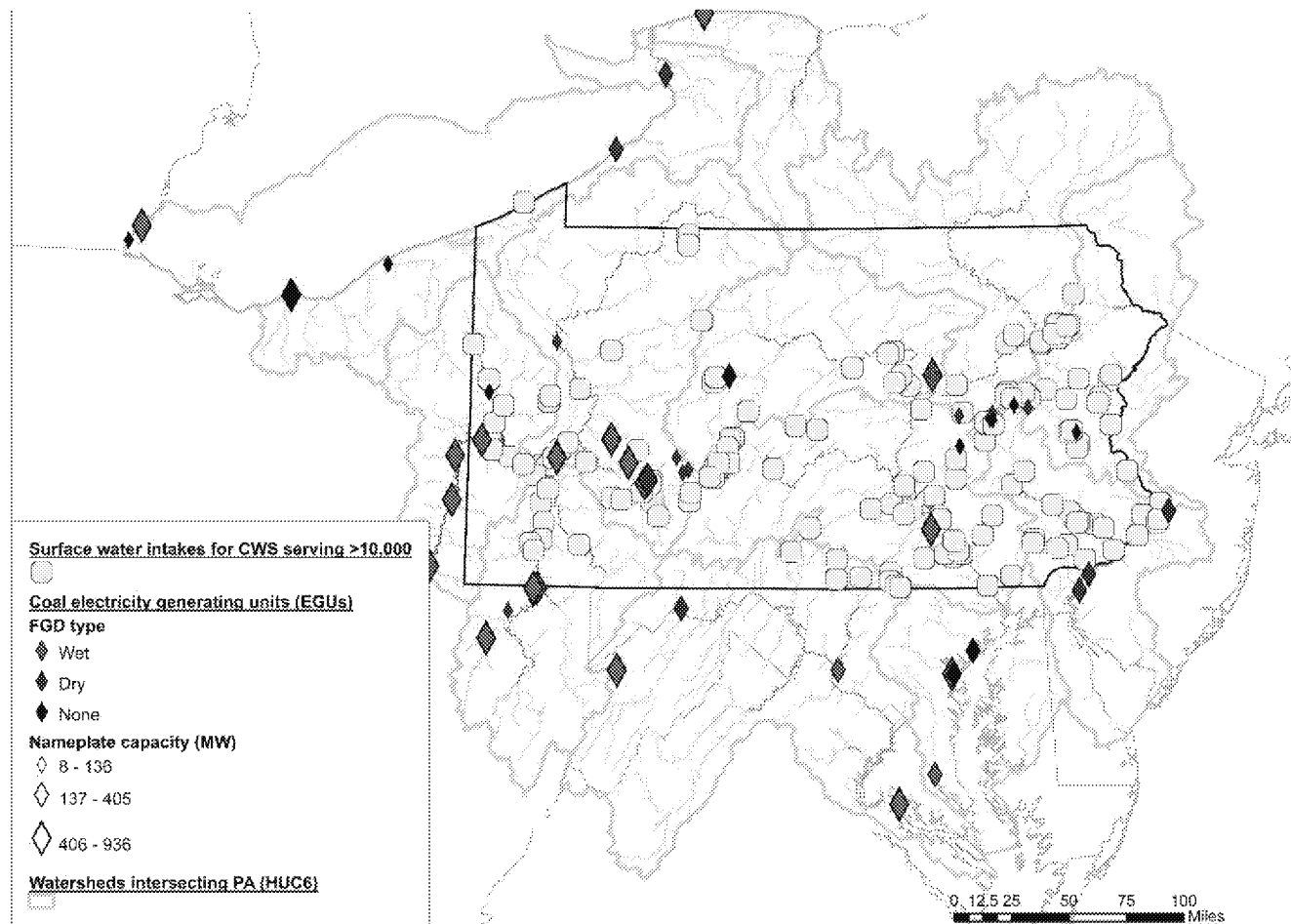
<sup>†</sup>Graduate Research Assistant, Department of Civil and Environmental Engineering, Carnegie Mellon University, 5000 Forbes Ave., Pittsburgh, Pennsylvania 15213, United States

<sup>‡</sup>Duquesne Light Company Professor, Director of Water Quality in Urban Environmental Systems (Water-QUEST), Department of Civil and Environmental Engineering and Department of Engineering and Public Policy, Carnegie Mellon University, 5000 Forbes Avenue, Pittsburgh, Pennsylvania 15213, United States

*Environmental Science and Technology*. 2017. 50(17): 9078-9088.

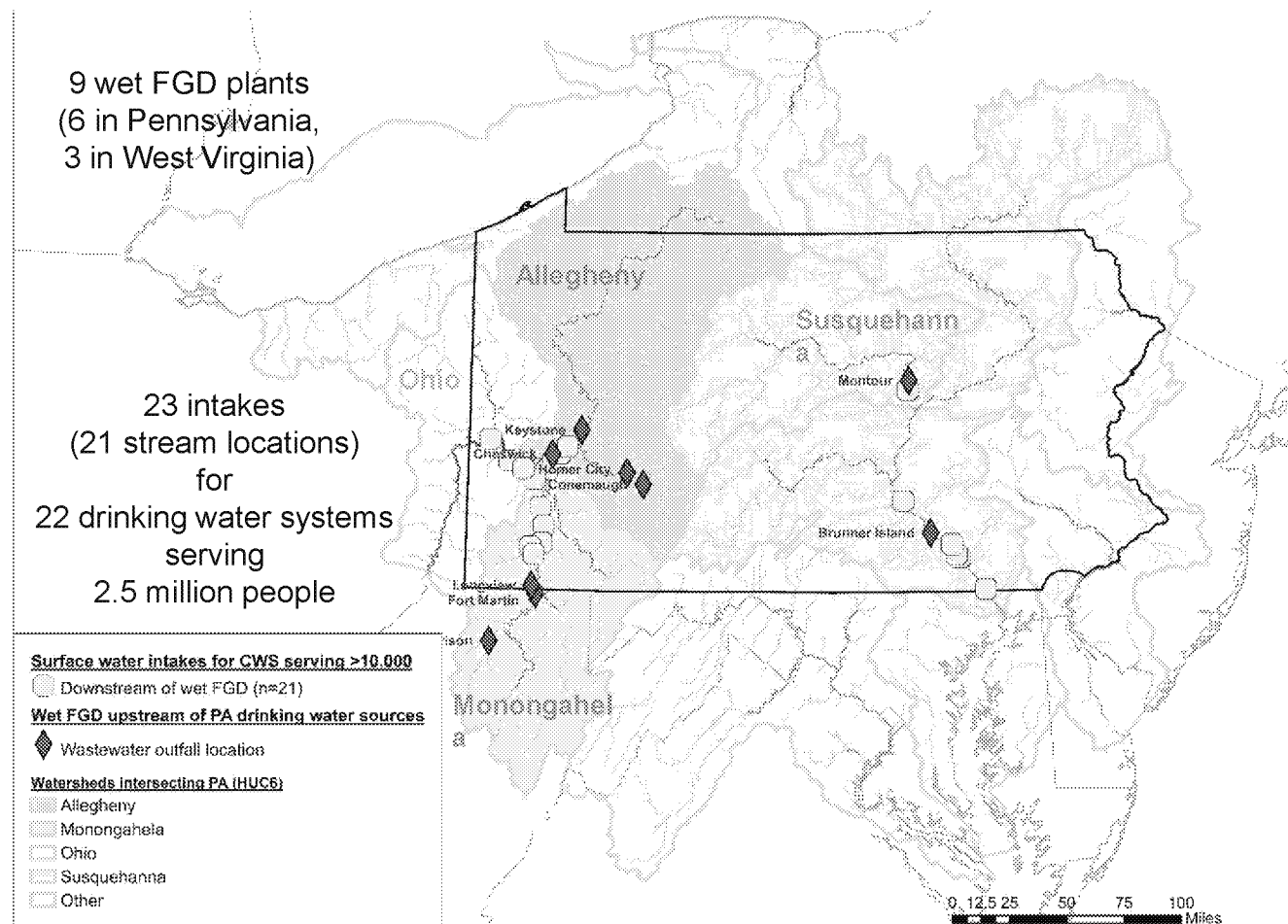


# Coal-fired electricity generating units by FGD type within the watersheds

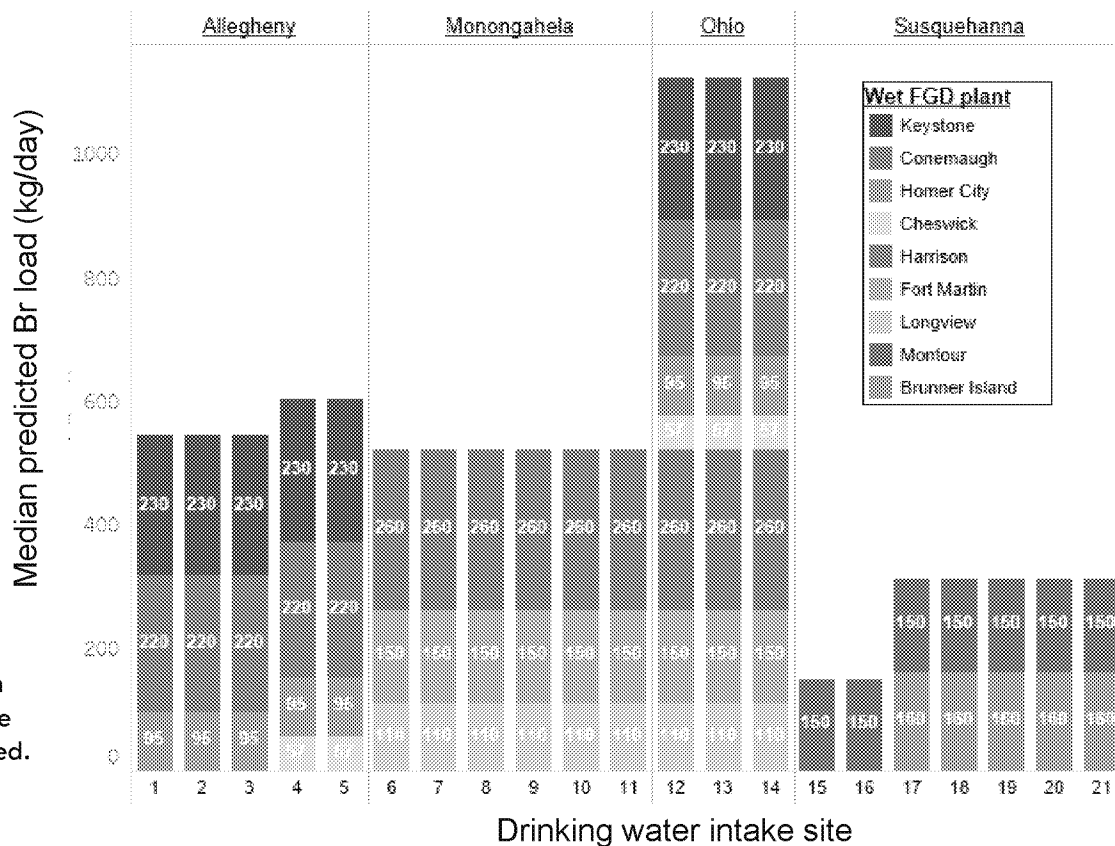
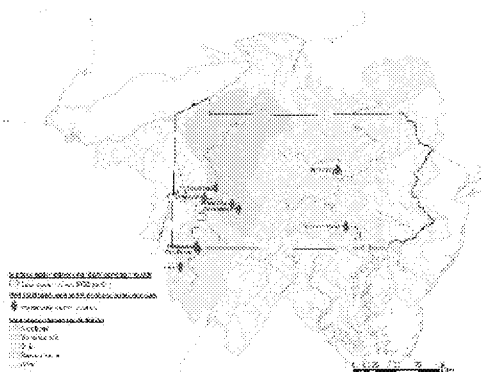


Stream locations for intakes courtesy of Dr. Paul Westerhoff, Dr. Jacelyn Rice, and Thuy Nguyen of Arizona State University.

# Upstream wet FGD discharges (verified outfalls) and downstream drinking water intakes

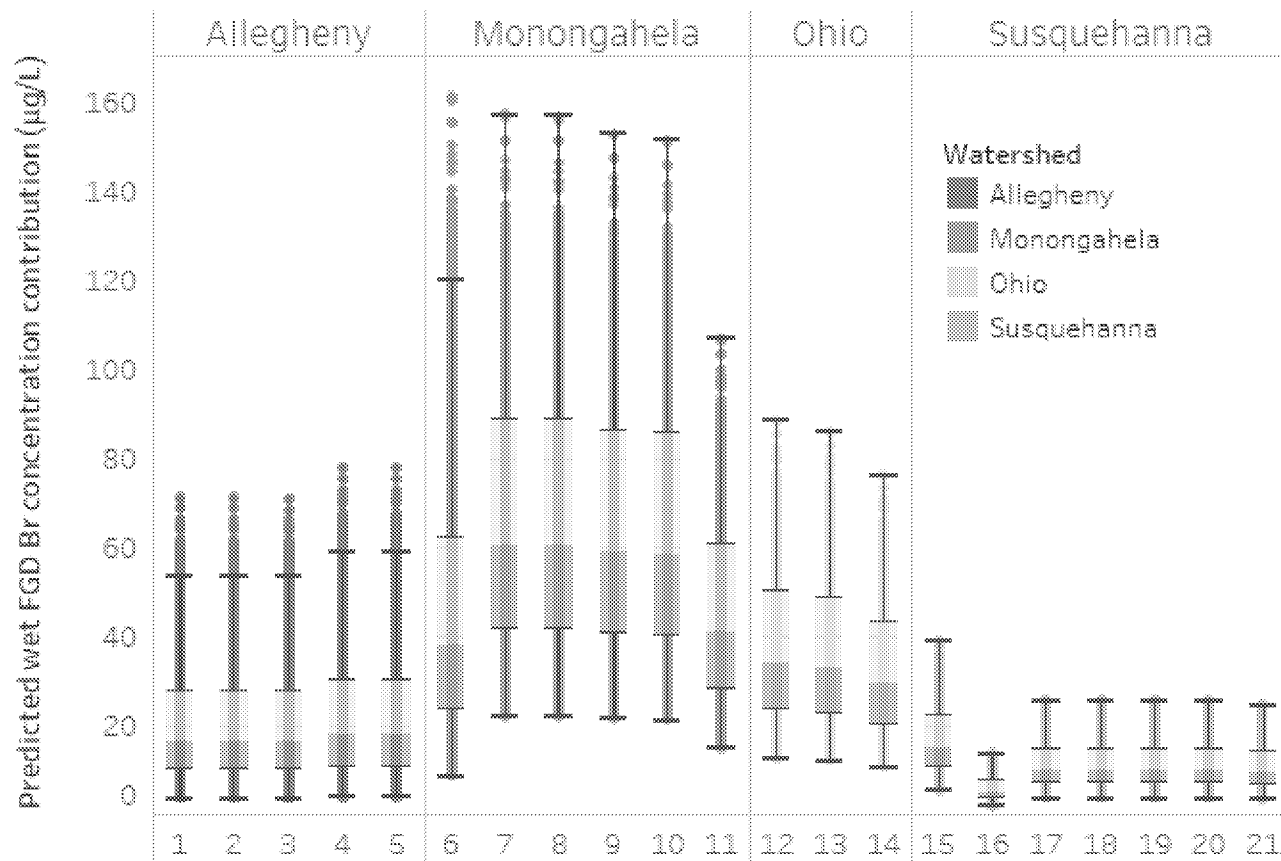


# The drinking water intake sites have different bromide load contributions from wet FGD power plants.



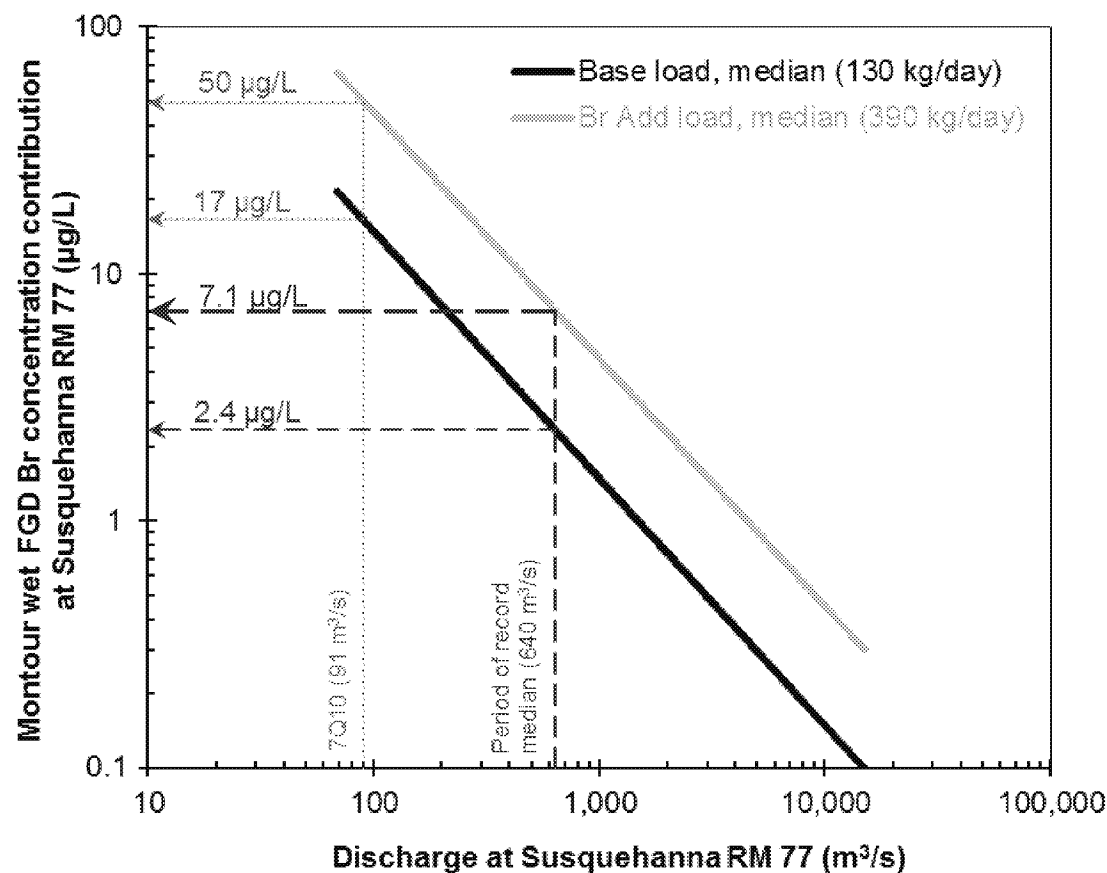
Using 2015-2016 coal consumption at each power plant (August) and estimated bromide concentration in the different types of coal used.

# Concentration contributions from all upstream FGD discharges are predicted at each drinking water intake using load and flow information (for August).



**NOTE: Using 2015-2016 observed bromide and flow data for the rivers, the wet FGD discharges were estimated to contribute to the total in-stream bromide:**

31% (Allegheny)  
30% (Monongahela)  
38% (Ohio)  
14% (Susquehanna)

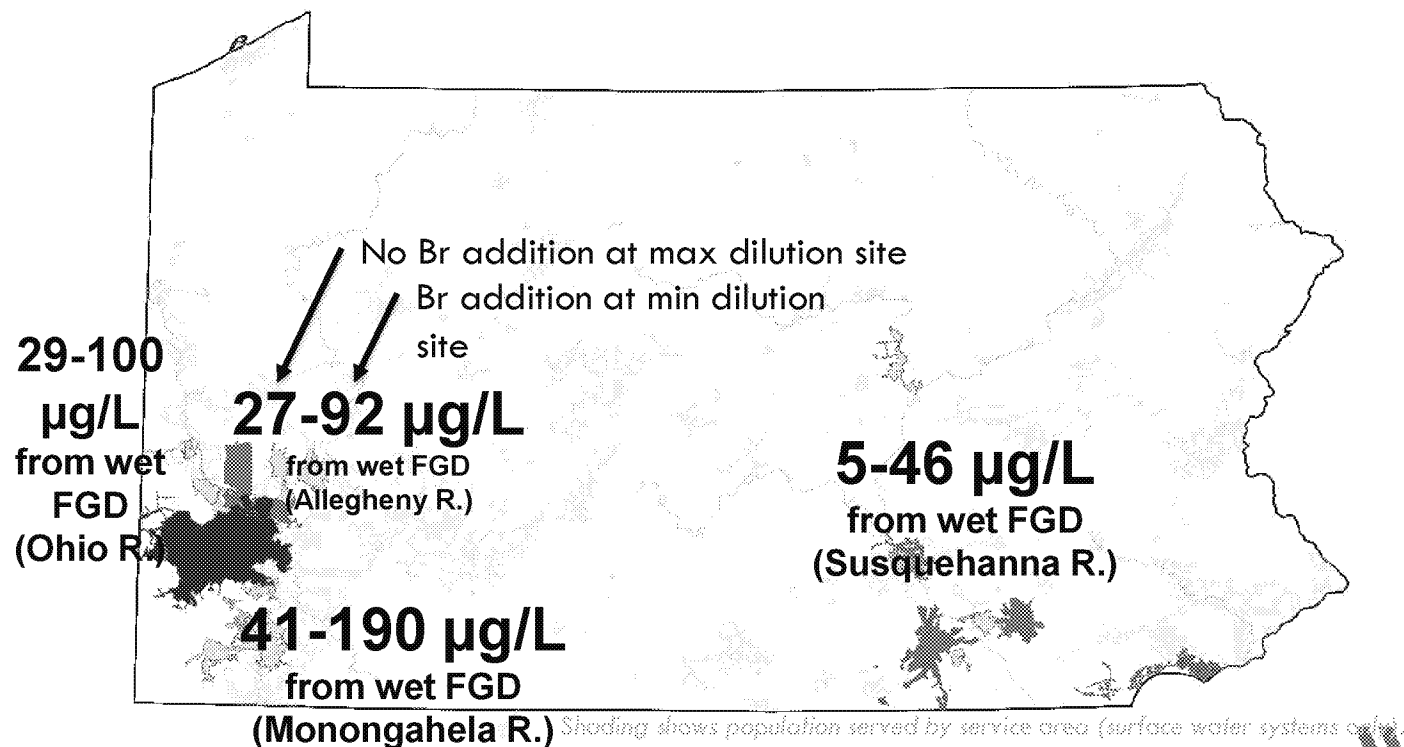


# Wet FGD discharges have the potential to contribute significantly to bromide concentrations in surface water sources in Pennsylvania that serve 2.5 million people.

## Not studied:

5 million people use the Ohio River as a DW source.

Ohio River Basin downstream of PA has wet FGD CFPPs as well (9 additional in upper Ohio Basin; 8 additional in middle Ohio Basin; 15 additional in lower Ohio Basin).



# Key Reference List

- Cornwell, D. et al. (2016). "Impact of Increased Bromide Discharges from Industrial Sources to Water utilities". Presented at AWWA Annual Conference and Exposition (ACE) 2016, Chicago IL.
- Cornwell, D. et al (2018). "Modeling Bromide River Transport and Bromide Impacts on DBPs.". *In publication Journal AWWA*.
- Good, K.D. and VanBriesen, J.M. (2017) "Power plant bromide discharges and downstream drinking water systems in Pennsylvania," *Environmental Science & Technology*. 51:20, 11829–11838. <https://pubs.acs.org/doi/abs/10.1021/acs.est.7b03003>.
- Good, K.D., and VanBriesen, J.M. (2016) "Current and potential future bromide loads from coal-fired power plants in the Allegheny River Basin and their effects on downstream concentrations," *Environmental Science and Technology*. 50(17): 9078-9088. <https://pubs.acs.org/doi/abs/10.1021/acs.est.6b01770>.
- McTigue, N.E., D.A. Cornwell, K. Graf, R. Brown. (2014). "Occurrence and Consequences of Increased Bromide in Drinking Water Sources." *Journal American Water Works Association*, 106:11, E492-E508. <https://doi.org/10.5942/jawwa.2014.106.0141>.
- Seidel, C.J., C.C. Samson, T. Bartrand, A. Ergul, R.S. Summers. (2017). "Disinfection byproduct occurrence at large water systems after stage 2 DBPR", *Journal American Water Works Association*, 109:7: 17-30. <https://doi.org/10.5942/jawwa.2017.109.0082>.
- Wilson, J.M.; Y. Wang; J.M. VanBriesen. (2014). "Sources of high total dissolved solids to drinking water supply in Southwestern Pennsylvania." *ASCE Journal of Environmental Engineering*. 140, Special Issue: *Environmental Impacts of Shale Gas Development*, B4014003. <https://ascelibrary.org/doi/10.1061/%28ASCE%29EE.1943-7870.0000733>.
- Wilson and VanBriesen (2013). "Source water changes and energy extraction activities in the Monongahela River, 2009-2012." *Environmental Science and Technology*, 47 (21): 12575-12582. <https://pubs.acs.org/doi/abs/10.1021/es402437n>.



**From:** Bloomberg BNA [bloomberg@bna.com]  
**Sent:** 6/20/2018 12:06:31 PM  
**To:** Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]  
**Subject:** June 20 -- EHS State Regulatory Alert

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**Bloomberg  
Environment**



## EHS State Regulatory Alert

June 20, 2018 - Number 119

You can create a report customized by topic, jurisdiction, and date range by using the [Regulatory Summaries Report Tool](#). The report can be generated in Excel, Word, or PDF.

### Alaska

#### *OIL AND GAS INDUSTRY*

#### Unified and Area Plans for Oil and Hazardous Substance Discharge Response

#### Alaska OIL AND GAS INDUSTRY

Notice of the Department of Environmental Conservation announces a request for public comment on a proposal to reorganize the existing Alaska Federal/State Preparedness Plan for Response to Oil and Hazardous Substance Discharges/Releases (the Unified Plan) and the 10 subarea plans into one Alaska Regional Contingency Plan and four area contingency plans. The proposal would combine several of the current subareas and reflect the structure of the National Contingency Plan and National Response Framework. Comments are due July 17, 2018. Contact: Shannon Miller; DEC; 907-465-6171; [decsparrplanning@alaska.gov](mailto:decsparrplanning@alaska.gov)

—Alaska Publication Date: 06/18/2018.

[Regulatory Update](#)

## California

### *GENERAL ENVIRONMENT AND SAFETY*

#### Medical Treatment Utilization Schedule

#### California GENERAL ENVIRONMENT AND SAFETY

Notice of the Department of Industrial Relations announces a hearing on a proposed rule to amend regulations under 8 CCR 9792.22 and 9792.24.5 to update the medical treatment utilization schedule (MTUS). The rule would incorporate by reference the latest American College of Occupational and Environmental Medicine guidelines on Traumatic Brain Injury, Prevention, General Approach to Initial Assessment and Documentation, and Cornerstones of Disability Prevention and Management. The hearing is scheduled for July 18, 2018, in Oakland. Comments are due July 18, 2018. Contact: Maureen Gray; DIR, Division of Workers' Compensation; 510-286-7100; [dwcrules@dir.ca.gov](mailto:dwcrules@dir.ca.gov)

—California Publication Date: 06/18/2018. Citations: Title 8 CCR Sections 9792.22 and 9792.24.5 (amended)

#### Regulatory Update

## Illinois

### *HAZARDOUS WASTE MANAGEMENT*

#### Hazardous Waste Management

#### Illinois HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Pollution Control Board would amend regulations under 35 IAC 720 regarding the underground injection control permit program to incorporate provisions of the federal Generator Improvements Rule. The rule also would incorporate revisions to federal hazardous waste import and export provisions through Dec. 26, 2017, and the bar on claims of confidentiality for documents relating to hazardous waste exports. Comments are due July 30, 2018. Contact: Michael McCambridge; PCB; 312-814-6924; [michael.mccambridge@illinois.gov](mailto:michael.mccambridge@illinois.gov)

—Illinois Publication Date: 06/15/2018. Citations: 35 IAC 720.101 (amended); 35 IAC 720.102 (amended); 35 IAC 720.103 (amended); 35 IAC 720.104 (amended); 35 IAC 720.110 (amended); 35 IAC 720.111 (amended); 35 IAC 720.120 (amended); 35 IAC 720.121 (amended); 35 IAC 720.122 (amended); 35 IAC 720.134 (amended); 35 IAC 720.142 (amended); 35 IAC 720.143 (amended)

## Regulatory Update

### **HAZARDOUS WASTE MANAGEMENT**

#### **Identification and Listing of Hazardous Waste**

##### **Illinois HAZARDOUS WASTE MANAGEMENT**

Proposed rule of the Pollution Control Board would amend regulations under 35 IAC 721 regarding the identification and listing of hazardous waste to incorporate provisions of the federal Generator Improvements Rule. The rule also would incorporate revisions to federal hazardous waste import and export provisions through Dec. 26, 2017, and the bar on claims of confidentiality for documents relating to hazardous waste exports.

Comments are due July 30, 2018. Contact: Michael McCambridge; PCB; 312-814-6924; michael.mccambridge@illinois.gov

—Illinois Publication Date: 06/15/2018. Citations: 35 IAC 721.101 (amended); 35 IAC 721.102 (amended); 35 IAC 721.103 (amended); 35 IAC 721.104 (amended); 35 IAC 721.105 (repealed); 35 IAC 721.106 (amended); 35 IAC 721.108 (amended); 35 IAC 721.110 (amended); 35 IAC 721.111 (amended); 35 IAC 721.120 (amended); 35 IAC 721.121 (amended); 35 IAC 721.122 (amended); 35 IAC 721.124 (amended); 35 IAC 721.130 (amended); 35 IAC 721.131 (amended); 35 IAC 721.132 (amended); 35 IAC 721.133 (amended); 35 IAC 721.139 (amended); 35 IAC 721.141 (amended); 35 IAC 721.242 (amended); 35 IAC 721.243 (amended); 35 IAC 721.247 (amended); 35 IAC 721.279 (amended); 35 IAC 721.291 (amended); 35 IAC 721.293 (amended); 35 IAC 721.298 (amended); 35 IAC 721.300 (amended); 35 IAC 721.520 (amended); 35 IAC 721.931 (amended); 35 IAC 721.933 (amended); 35 IAC 721.934 (amended); 35 IAC 721.935 (amended); 35 IAC 721.950 (amended); 35 IAC 721.960 (amended); 35 IAC 721.963 (amended); 35 IAC 721.983 (amended); 35 IAC 721.984 (amended); 35 IAC 721.986 (amended); 35 IAC 721.987 (amended); 35 IAC 721.989 (amended); 35 IAC 721.Appendix A (amended); 35 IAC 721.Appendix H (amended); 35 IAC 721.Appendix I.Table B (amended); 35 IAC 721.Appendix I.Table D (amended); 35 IAC 721.Appendix Y (repealed); 35 IAC 721.Appendix Z (amended)

## Regulatory Update

### **HAZARDOUS WASTE MANAGEMENT**

#### **RCRA Permit Program**

##### **Illinois HAZARDOUS WASTE MANAGEMENT**

Proposed rule of the Pollution Control Board would amend regulations under 35 IAC 703 regarding the RCRA permit program to incorporate provisions of the federal Generator

Improvements Rule. The rule also would incorporate revisions to federal hazardous waste import and export provisions through Dec. 26, 2017. Comments are due July 30, 2018. Contact: Michael McCambridge; PCB; 312-814-6924; michael.mccambridge@illinois.gov

—Illinois Publication Date: 06/15/2018. Citations: 35 IAC 703.120 (amended); 35 IAC 703.123 (amended); 35 IAC 703.150 (amended); 35 IAC 703.151 (amended); 35 IAC 703.157 (amended); 35 IAC 703.161 (amended); 35 IAC 703.186 (amended); 35 IAC 703.189 (amended); 35 IAC 703.205 (amended); 35 IAC 703.208 (amended); 35 IAC 703.210 (amended); 35 IAC 703.211 (amended); 35 IAC 703.221 (amended); 35 IAC 703.223 (amended); 35 IAC 703.232 (amended); 35 IAC 703.270 (amended); 35 IAC 703.280 (amended); 35 IAC 703.282 (amended); 35 IAC 703.283 (amended); 35 IAC 703.320 (amended); 35 IAC 703.350 (amended); 35 IAC 703.352 (amended); 35 IAC 703.Appendix A (amended)

#### Regulatory Update

#### **HAZARDOUS WASTE MANAGEMENT**

##### **RCRA and Underground Injection Control Permit Procedures**

##### **Illinois HAZARDOUS WASTE MANAGEMENT**

Proposed rule of the Pollution Control Board would amend regulations under 35 IAC 705 regarding RCRA and underground injection control permitting procedures to incorporate provisions of the federal Generator Improvements Rule. The rule also would incorporate revisions to federal hazardous waste import and export provisions through Dec. 26, 2017. Comments are due July 30, 2018. Contact: Michael McCambridge; PCB; 312-814-6924; michael.mccambridge@illinois.gov

—Illinois Publication Date: 06/15/2018. Citations: 35 IAC 705.101 (amended); 35 IAC 705.122 (amended); 35 IAC 705.126 (amended); 35 IAC 705.128 (amended); 35 IAC 705.141 (amended); 35 IAC 705.143 (amended); 35 IAC 705.144 (amended); 35 IAC 705.164 (amended); 35 IAC 705.181 (amended); 35 IAC 705.182 (amended); 35 IAC 705.183 (amended); 35 IAC 705.184 (amended); 35 IAC 705.201 (amended); 35 IAC 705.211 (amended); 35 IAC 705.212 (amended); 35 IAC 705.300 (amended); 35 IAC 705.302 (amended); 35 IAC 705.303 (amended); 35 IAC 705.304 (amended)

#### Regulatory Update

#### **HAZARDOUS WASTE MANAGEMENT**

## RCRA, Underground Injection Control Permit Programs

### Illinois HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Pollution Control Board would amend regulations under 35 IAC 702 regarding the RCRA and underground injection control permit programs to incorporate provisions of the federal Generator Improvements Rule. The rule also would incorporate revisions to federal hazardous waste import and export provisions through Dec. 26, 2017. Comments are due July 30, 2018. Contact: Michael McCambridge; PCB; 312-814-6924; michael.mccambridge@illinois.gov

—Illinois Publication Date: 06/15/2018. Citations: 35 IAC 702.101 (amended); 35 IAC 702.103 (amended); 35 IAC 702.105 (amended); 35 IAC 702.106 (amended); 35 IAC 702.107 (amended); 35 IAC 702.108 (amended); 35 IAC 702.109 (amended); 35 IAC 702.110 (amended); 35 IAC 702.120 (amended); 35 IAC 702.123 (amended); 35 IAC 702.125 (amended); 35 IAC 702.126 (amended); 35 IAC 702.152 (amended); 35 IAC 702.162 (amended); 35 IAC 702.163 (amended); 35 IAC 702.181 (amended); 35 IAC 702.186 (amended)

### Regulatory Update

## *HAZARDOUS WASTE MANAGEMENT*

### Underground Injection Control Permit Program

### Illinois HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Pollution Control Board would amend regulations under 35 IAC 704 regarding the underground injection control permit program to incorporate provisions of the federal Generator Improvements Rule. The rule also would incorporate revisions to federal hazardous waste import and export provisions through Dec. 26, 2017.

Comments are due July 30, 2018. Contact: Michael McCambridge; PCB; 312-814-6924; michael.mccambridge@illinois.gov

—Illinois Publication Date: 06/15/2018. Citations: 35 IAC 704.101 (amended); 35 IAC 704.102 (amended); 35 IAC 704.106 (amended); 35 IAC 704.122 (amended); 35 IAC 704.123 (amended); 35 IAC 704.124 (amended); 35 IAC 704.129 (amended); 35 IAC 704.141 (amended); 35 IAC 704.142 (amended); 35 IAC 704.145 (amended); 35 IAC 704.147 (amended); 35 IAC 704.148 (amended); 35 IAC 704.149 (amended); 35 IAC 704.150 (amended); 35 IAC 704.161 (amended); 35 IAC 704.162 (amended); 35 IAC 704.163 (amended); 35 IAC 704.181 (amended); 35 IAC 704.186 (amended); 35 IAC 704.189 (amended); 35 IAC 704.192 (amended); 35 IAC 704.193 (amended); 35 IAC 704.202 (amended); 35 IAC 704.212 (amended); 35 IAC 704.214 (amended); 35 IAC 704.215 (amended); 35 IAC 704.216 (amended); 35 IAC 704.218 (amended); 35 IAC 704.219 (amended); 35 IAC 704.260 (amended); 35 IAC 704.263 (amended); 35 IAC

704.279 (amended); 35 IAC 704.282 (amended); 35 IAC 704.283 (amended); 35 IAC 704.284 (amended); 35 IAC 704.285 (amended); 35 IAC 704.286 (amended); 35 IAC 704.287 (amended); 35 IAC 704.288 (amended); 35 IAC 704.289 (amended)

Regulatory Update

**HAZARDOUS WASTE MANAGEMENT**

**Underground Storage Tanks**

**Illinois HAZARDOUS WASTE MANAGEMENT**

Final rule of the Office of the State Fire Marshal amends regulations under 41 IAC 174 regarding general requirements for underground storage tanks and the storage, transportation, sale, and use of petroleum and other regulated substances. The rule allows landfills permitted by the Illinois EPA to use mobile fueling for the fueling of off-road vehicles and equipment used at and for the operation of the sites. The rule also requires that drivers, operators, and attendants monitor fuel flow at the deposit point during fuel transfer operations for bulk loading and unloading for railroad tank cars and tank vehicles. In addition, the rule adds definitions, revises language, and incorporates by reference publications, industry standards, and government standards. The rule is effective Oct. 13, 2018. Contact: Tom Andryk; OSFM, Division of Legal Counsel; 217-785-5758

—Illinois Publication Date: 06/15/2018. Citations: 41 IAC 174.100 (amended); 41 IAC 174.210 (amended); 41 IAC 174.300 (amended); 41 IAC 174.310 (amended); 41 IAC 174.320 (amended); 41 IAC 174.400 (amended); 41 IAC 174.420 (amended); 41 IAC 174.440 (amended); 41 IAC 174.450 (amended); 41 IAC 174.Appendix A (repealed)

Regulatory Update

**HAZARDOUS WASTE MANAGEMENT**

**Underground Storage Tanks/Administrative Requirements**

**Illinois HAZARDOUS WASTE MANAGEMENT**

Final rule of the Office of the State Fire Marshal amends and repeals regulations under 41 IAC 176 regarding administrative requirements for underground storage tanks and the storage, transportation, sale, and use of petroleum and other regulated substances. The rule revises administrative requirements to conform to federal standards for proof of compatibility when systems dispense ethanol or biodiesel above specified amounts, monthly walkthrough inspections, tightness testing, float vent valves, and full regulation of airport hydrant fueling systems and field-constructed tanks. The rule also updates

provisions to incorporate current practices, including the electronic submission of reporting forms and permit applications. In addition, the rule increases the length of time for required repeat operator training to four years and allows class A and B operators to retrain annually to avoid retraining in response to a notice of violation. Finally, the rule removes owner/operator reporting requirements. The rule is effective Oct. 13, 2018. Contact: Tom Andryk; OSFM, Division of Legal Counsel; 217-785-5758

—Illinois Publication Date: 06/15/2018. Citations: 41 IAC 176.100 (amended); 41 IAC 176.200 (amended); 41 IAC 176.205 (amended); 41 IAC 176.215 (amended); 41 IAC 176.220 (amended); 41 IAC 176.225 (amended); 41 IAC 176.230 (amended); 41 IAC 176.235 (repealed); 41 IAC 176.240 (amended); 41 IAC 176.250 (amended); 41 IAC 176.300 (amended); 41 IAC 176.310 (amended); 41 IAC 176.320 (amended); 41 IAC 176.330 (amended); 41 IAC 176.340 (amended); 41 IAC 176.360 (amended); 41 IAC 176.420 (amended); 41 IAC 176.430 (amended); 41 IAC 176.440 (amended); 41 IAC 176.455 (new); 41 IAC 176.470 (amended); 41 IAC 176.500 (amended); 41 IAC 176.505 (amended); 41 IAC 176.610 (amended); 41 IAC 176.615 (amended); 41 IAC 176.620 (amended); 41 IAC 176.625 (amended); 41 IAC 176.630 (amended); 41 IAC 176.635 (amended); 41 IAC 176.645 (amended); 41 IAC 176.650 (amended); 41 IAC 176.655 (amended); 41 IAC 176.Appendix A (repealed)

#### Regulatory Update

### ***HAZARDOUS WASTE MANAGEMENT***

#### **Underground Storage Tanks/Compliance Certification**

#### **Illinois HAZARDOUS WASTE MANAGEMENT**

Final rule of the Office of the State Fire Marshal amends and repeals regulations under 41 IAC 177 to update provisions concerning compliance certification for underground storage tanks. The rule clarifies language, deletes the definition of "OSFM," and removes the derivation table. The rule is effective Oct. 13, 2018. Contact: Tom Andryk; OSFM, Division of Legal Counsel; 217-785-5758

—Illinois Publication Date: 06/15/2018. Citations: 41 IAC 177.100 (amended); 41 IAC 177.105 (amended); 41 IAC 177.115 (amended); 41 IAC 177.Appendix A (repealed)

#### Regulatory Update

### ***HAZARDOUS WASTE MANAGEMENT***

#### **Underground Storage Tanks/Technical Requirements**

#### **Illinois HAZARDOUS WASTE MANAGEMENT**

Final rule of the Office of the State Fire Marshal amends, adopts, and repeals regulations under 41 IAC 175 regarding technical requirements for underground storage tanks (USTs) and the storage, transportation, sale, and use of petroleum and other regulated substances. The rule revises technical requirements to conform to federal standards for proof of compatibility when systems dispense ethanol or biodiesel above specified amounts, monthly walkthrough inspections, tightness testing, float vent valves, and full regulation of airport hydrant fueling systems and field constructed tanks. The rule also addresses unsafe product piping caused by lines installed to mix two products at the dispenser to create the midgrade product. In addition, the rule removes the provisions regarding payment of the 1988 annual UST fee. The rule is effective Oct. 13, 2018. Contact: Tom Andryk; OSFM, Division of Legal Counsel; 217-785-5758

—Illinois Publication Date: 06/15/2018. Citations: 41 IAC 175.200 (amended); 41 IAC 175.210 (amended); 41 IAC 175.220 (amended); 41 IAC 175.230 (amended); 41 IAC 175.240 (amended); 41 IAC 175.250 (amended); 41 IAC 175.300 (amended); 41 IAC 175.310 (amended); 41 IAC 175.320 (amended); 41 IAC 175.330 (repealed); 41 IAC 175.400 (amended); 41 IAC 175.405 (amended); 41 IAC 175.410 (amended); 41 IAC 175.415 (amended); 41 IAC 175.420 (amended); 41 IAC 175.425 (amended); 41 IAC 175.430 (amended); 41 IAC 175.435 (amended); 41 IAC 175.450 (amended); 41 IAC 175.460 (amended); 41 IAC 175.465 (amended); 41 IAC 175.500 (amended); 41 IAC 175.510 (amended); 41 IAC 175.610 (amended); 41 IAC 175.620 (amended); 41 IAC 175.630 (amended); 41 IAC 175.640 (amended); 41 IAC 175.650 (amended); 41 IAC 175.700 (amended); 41 IAC 175.710 (amended); 41 IAC 175.720 (amended); 41 IAC 175.800 (amended); 41 IAC 175.810 (amended); 41 IAC 175.820 (amended); 41 IAC 175.830 (amended); 41 IAC 175.840 (amended); 41 IAC 175.900 (new); 41 IAC 175.910 (new); 41 IAC 175.920 (new); 41 IAC 175.Appendix A (amended); 41 IAC 175.Appendix B (amended); 41 IAC 175.Appendix C (repealed)

### Regulatory Update

#### **RADIATION**

##### **Status Signals for Nuclear Power Reactors**

##### **Illinois RADIATION**

Final rule of the Emergency Management Agency amends regulations under 32 IAC 504 to require owners of nuclear power reactors to provide the agency with an updated station catalogue every six months. The rule also requires the agency to provide reactor owners with communication hardware and revises the definitions of "communication link" and "station computer." The rule is effective May 31, 2018. Contact: Traci Burton; IEMA; 217-785-9860

—Illinois Publication Date: 06/15/2018. Citations: 32 IAC 504.20 (amended); 32 IAC 504.40 (amended); 32 IAC 504.50 (amended); 32 IAC 504.70 (amended)

Regulatory Update

*RADIATION*

Transportation of Licensed Radioactive Material  
Illinois RADIATION

Final rule of the Emergency Management Agency amends regulations under 32 IAC 332 regarding source material milling operations to maintain consistency with Nuclear Regulatory Commission standards under 10 CFR 40. The rule requires licensees to notify the agency in writing, immediately, rather than within five working days, of any condition that was not anticipated in the design of the byproduct material surface impoundment or disposal area and, if not corrected, could cause failure of embankments or other structures containing the byproduct material and the release of byproduct material into unrestricted areas. The rule is effective May 31, 2018. Contact: Traci Burton; IEMA; 217-785-9860

—Illinois Publication Date: 06/15/2018. Citations: 32 IAC 332.250 (amended)

Regulatory Update

*WATER*

Sewer Discharge Criteria/Dental Dischargers, Steam Electric Power Generating  
Illinois WATER

Final rule of the Pollution Control Board amends and adopts regulations under 35 IAC 307 to update wastewater pretreatment requirements to incorporate by reference federal standards under 40 CFR 423 and 441, as of Dec. 31, 2017. The rule adds pretreatment standards for dental dischargers and postpones the compliance date for certain pretreatment standards for the steam electric power generating point source category. The rule is effective May 29, 2018. Contact: Michael McCambridge; PCB; 312-814-6924; michael.mccambridge@illinois.gov

—Illinois Publication Date: 06/15/2018. Citations: 35 IAC 307.3301 (amended); 35 IAC 307.5100 (new)

Regulatory Update

## New Jersey

### *ENDANGERED SPECIES*

#### Marine Fisheries/Cobia, Black Sea Bass, Flounder Limits and Seasons

#### New Jersey ENDANGERED SPECIES

Notice of the Department of Environmental Protection, Division of Fish and Wildlife, announces administrative changes to regulations under NJAC 7:25-18 to update the commercial and recreational possession limits for cobia, the recreational minimum size for cobia, the recreational black sea bass seasons and possession limits, and the summer flounder recreational season. Contact: DEP, Division of Fish and Wildlife; 609-292-2965

—New Jersey Publication Date: 06/18/2018. Citations: NJAC 7:25-18.1 (amended)

#### Regulatory Update

### *HAZARDOUS WASTE CLEANUP*

#### Annual Site Remediation Reform Act Program Fees

#### New Jersey HAZARDOUS WASTE CLEANUP

Notice of the Department of Environmental Protection, Site Remediation and Waste Management Program, announces the availability of the annual Site Remediation Reform Act (SRRA) Program Fee Calculation Report for fiscal year 2019 under NJAC 7:26C-4. The SRRA Program administers brownfield and contaminated site remediation. The report identifies the annual remediation and remedial action permit-related fees for FY 2019 and compares the input data for FY 2018 with the input data for FY 2019. Contact: DEP, Site Remediation and Waste Management Program; 609-633-0701

—New Jersey Publication Date: 06/18/2018.

#### Regulatory Update

### *HAZARDOUS WASTE CLEANUP*

#### Proposed Consent Order/New Swift Cleaners Site

#### New Jersey HAZARDOUS WASTE CLEANUP

Notice of the Department of Environmental Protection, Site Remediation and Waste Management Program, announces a proposed consent order with WSH Enterprises Inc. for recovery of unreimbursed cleanup and removal costs associated with the New Swift Cleaners Site in New Brunswick. The consent order requires the defendant to pay \$58,464 to settle alleged liability for past remediation costs at the site. The agreement also includes a covenant not to sue. Comments are due Aug. 17, 2018. Contact: Kevin Kratina; DEP, Site Remediation and Waste Management Program; 609-633-1480

—New Jersey Publication Date: 06/18/2018.

### Regulatory Update

## Ohio

### **WATER**

#### **Sewage Sludge/Biosolids Program**

#### **Ohio WATER**

Proposed rule of the Ohio EPA would amend, adopt, and rescind regulations under OAC 3745-40 to update standards for the disposal, use, transfer, and treatment of sewage sludge and biosolids. The rule would add odor minimization requirements and a self-certification requirement for beneficial use sites. The rule also would add requirements for nontraditional or alternative feedstocks for use in anaerobic digestion. In addition, the rule would update provisions concerning management plans and permits, sampling and testing, site authorization, nitrogen and phosphorous, storage, compliance and enforcement, and signage. A hearing is scheduled for July 24, 2018, in Columbus. Comments are due July 24, 2018. Contact: Betsy VanWormer; OEPA, Division of Surface Water; 614-644-2150

—Ohio Publication Date: 06/18/2018. Citations: OAC 3745-40-01 (amended); OAC 3745-40-02 (repealed); OAC 3745-40-02 (new); OAC 3745-40-03 (repealed); OAC 3745-40-03 (new); OAC 3745-40-04 (amended); OAC 3745-40-05 (amended); OAC 3745-40-06 (repealed); OAC 3745-40-06 (new); OAC 3745-40-07 (repealed); OAC 3745-40-07 (new); OAC 3745-40-08 (repealed); OAC 3745-40-08 (new); OAC 3745-40-09 (amended); OAC 3745-40-10 (repealed); OAC 3745-40-10 (new); OAC 3745-40-11 (amended); OAC 3745-40-12 (amended)

### Regulatory Update

## Oregon

### *ENDANGERED SPECIES*

#### Survival Guidelines for Marbled Murrelet

#### Oregon ENDANGERED SPECIES

Proposed rule of the Department of Fish and Wildlife would adopt regulations under OAR 635-100 to establish survival guidelines for the threatened Marbled Murrelet. The rule would specify that such guidelines will be advisory in nature and apply to actions proposed on lands owned or leased by a state agency or on a state agency easement, except road access easements across private lands. The rule also would include measures to minimize potential for unauthorized take of marbled murrelets. The rule replaces an April 30, 2018, proposed rule. A hearing is scheduled for Aug. 3, 2018, in Salem. Comments are due Aug. 3, 2018. Contact: Roxann Borisch; DFW; 503-947-6314; roxann.b.borisch@state.or.us

—Oregon Publication Date: 06/18/2018. Citations: OAR 635-100-0137 (new)

#### Regulatory Update

## Rhode Island

### *COASTAL ZONE*

#### Greenwich Bay Special Area Management Plan

#### Rhode Island COASTAL ZONE

Proposed direct final rule of the Coastal Resources Management Council would amend regulations under 650-RICR-20-00-6 to revise the Greenwich Bay Special Area Management Plan (SAMP). The rule would reformat and move existing text to the Greenwich Bay SAMP guidance document, which is intended to assist with compliance under the provisions. The rule also would update references. Comments are due July 15, 2018. Contact: James Boyd; CRMC; 401-783-3370; jboyd@crmc.ri.gov

—Rhode Island Publication Date: 06/17/2018. Citations: Uncodified

#### Regulatory Update

## South Dakota

## *HAZARDOUS MATERIALS TRANSPORTATION*

### **Motor Carrier Safety and Transportation of Hazardous Materials**

#### **South Dakota HAZARDOUS MATERIALS TRANSPORTATION**

Proposed rule of the Department of Public Safety would amend regulations under ARSD 24:06:07, 24:06:08, 61:16:01, 61:18:08, and 61:23:01 to incorporate by reference the April 1, 2017, edition of the Commercial Vehicle Safety Alliance North American Standard Out-of-Service Criteria. The rule also would establish requirements for certified nonprofit bus inspectors, revise the harvesting season and radius for hours of service exemption, and establish drivers license suspension periods for point accumulation. In addition, the rule would revise driver's license documentation requirements and establish a declaratory petition process. A hearing is scheduled for July 19, 2018, in Pierre. Comments are due Aug. 2, 2018. Contact: DPS; 605-773-3178

—South Dakota Publication Date: 06/18/2018. Citations: ARSD 61:23:01:04 (amended)

#### Regulatory Update

## *HAZARDOUS WASTE MANAGEMENT*

### **Underground Storage Tanks**

#### **South Dakota HAZARDOUS WASTE MANAGEMENT**

Final rule of the Department of Environment and Natural Resources, Water Management Board, amends regulations under ARSD 74:56:01 and :02 to require previously deferred underground storage tanks (USTs) associated with airport hydrant fuel distribution systems and used for emergency power generators to be in compliance with all applicable standards, effective Oct. 13, 2018. The rule also adds requirements for periodic testing of spill prevention equipment and containment sumps, periodic operation and maintenance walkthrough inspections, and demonstrating compatibility of UST systems with the substances stored in the system. In addition, the rule requires field constructed tanks and airport hydrant systems to comply with federal standards under 40 CFR 280 and revises performance standards, notification requirements, and provisions concerning upgrading and replacement of existing USTs and installation of under-dispenser sumps. In addition, the rule addresses cathodic protection, spill and overfill control, repairs, release detection, and recordkeeping. Finally the rule addresses training, temporary removal, system closure, and financial responsibility and lender liability. The rule is effective June 28, 2018. Contact: Doug Miller; DENR, Ground Water Protection Program; 605-773-3296

—South Dakota Publication Date: 06/18/2018. Citations: 74:56:01:23.01, .02, :57 (new); 74:56:01:01, :02, :03, :05, :06, :08, :10, .01, .02, .03, :11, :13, :14, :18, :21, :24, :25, :26, :27, :28, :34, :38, .01, :52, :53, :54, :55, :02 (amended)

Regulatory Update

Virginia

***WATER***

**Accomack County/State Water Control Law Enforcement Action**

Virginia WATER

Notice of the Department of Environmental Quality, State Water Control Board, announces a proposed consent order with A&B Salvage Inc. for alleged State Water Control violations for unauthorized discharge and documentation deficiencies associated with industrial activity at its automobile salvage yard facility in New Church, Accomack County. The consent order requires the settling party to pay a civil penalty of \$11,160 and to follow a specified compliance schedule. Comments are due July 11, 2018. Contact: Jennifer Coleman; DEQ; 804-698-4000; [jennifer.coleman@deq.virginia.gov](mailto:jennifer.coleman@deq.virginia.gov)

—Virginia Publication Date: 06/11/2018.

Regulatory Update

***WATER***

**City of Richmond/State Water Control Law Enforcement Action**

Virginia WATER

Notice of the Department of Environmental Quality, State Water Control Board, announces a proposed consent order with Jefferson-Lakeside Club for alleged State Water Control Law violations associated with unpermitted surface water withdrawals at its golf course in Richmond. The order requires Jefferson-Lakeside Club to pay a civil penalty of \$2,000 and to follow a specified compliance schedule. Comments are due July 11, 2018. Contact: Lee Crowell; DEQ; 804-698-4000; [lee.crowell@deq.virginia.gov](mailto:lee.crowell@deq.virginia.gov)

—Virginia Publication Date: 06/11/2018.

Regulatory Update

## Washington

### AIR

#### Radiation Protection/Sources of Radionuclide Emissions

##### Washington AIR

Final rule of the Department of Health amends regulations under WAC 246-247 to update the incorporation by reference of national emissions standards for radionuclide emissions under 40 CFR 61, as of July 1, 2018. The rule is effective July 2, 2018.

Contact: Theresa Phillips; DOH; 360-236-3147; [theresa.phillips@doh.wa.gov](mailto:theresa.phillips@doh.wa.gov)

—Washington Publication Date: 06/20/2018. Citations: WAC 246-247-035 (amended)

### Regulatory Update

#### *OCCUPATIONAL SAFETY AND HEALTH*

##### Elevators, Dumbwaiters, Escalators, and Other Conveyances

##### Washington OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Labor and Industries would amend regulations under WAC 296-96 to update safety standards and fees for elevators, dumbwaiters, escalators, and other conveyances. The rule would incorporate the 2016 edition of the American Society of Mechanical Engineers code, specified electrical and fire safety codes, and other related codes to conform with national standards and industry practices. The rule also would allow a replacement data tag to be created in the event that a tag is missing, update requirements for pit switches, and remove the permit requirement for certain repairs and replacements. In addition, the rule would clarify procedures for units placed out of service on a voluntary basis, specify that the department investigates injury-related accidents reported by the owner or owner's duly authorized agent, and align elevator requirements with those for other confined spaces. Finally, the rule would discontinue the requirement for submission of two sets of plans to reflect electronic submissions and require on-site retention of periodic test results. Hearings are scheduled for July 10, 11, 12, and 13, 2018, in Tukwila, Spokane, Yakima, and Vancouver, respectively. Comments are due July 13, 2018. Contact: Dotty Stanlaske; DLI; 360-902-6456

—Washington Publication Date: 06/20/2018. Citations: WAC 296-96-00600 (amended); WAC 296-96-00650 (amended); WAC 296-96-00675 (new); WAC 296-96-00700 (amended); WAC 296-96-00800 (amended); WAC 296-96-00805 (amended); WAC 296-96-01000 (amended); WAC 296-96-01005 (amended); WAC 296-96-01006 (amended); WAC 296-96-01008 (amended); WAC 296-96-01009 (amended); WAC 296-96-01010

(amended); WAC 296-96-01025 (amended); WAC 296-96-01027 (amended); WAC 296-96-01030 (amended); WAC 296-96-01035 (amended); WAC 296-96-01040 (amended); WAC 296-96-01045 (amended); WAC 296-96-01055 (amended); WAC 296-96-01057 (amended); WAC 296-96-01060 (amended); WAC 296-96-01065 (amended); WAC 296-96-01070 (amended); WAC 296-96-01075 (amended); WAC 296-96-02400 (amended); WAC 296-96-02405 (amended); WAC 296-96-02410 (amended); WAC 296-96-02415 (amended); WAC 296-96-02421 (amended); WAC 296-96-02425 (amended); WAC 296-96-02452 (amended); WAC 296-96-02460 (amended); WAC 296-96-02465 (amended); WAC 296-96-02470 (amended); WAC 296-96-02471 (amended); WAC 296-96-02481 (amended); WAC 296-96-02490 (amended); WAC 296-96-02525 (amended); WAC 296-96-02530 (amended); WAC 296-96-02552 (amended); WAC 296-96-02558 (amended); WAC 296-96-02580 (amended); WAC 296-96-02590 (amended); WAC 296-96-02605 (amended); WAC 296-96-02640 (amended); WAC 296-96-05000 (new); WAC 296-96-05010 (amended); WAC 296-96-05020 (amended); WAC 296-96-05030 (amended); WAC 296-96-05040 (amended); WAC 296-96-05050 (amended); WAC 296-96-05070 (amended); WAC 296-96-05080 (amended); WAC 296-96-05090 (amended); WAC 296-96-05100 (amended); WAC 296-96-05120 (amended); WAC 296-96-05140 (amended); WAC 296-96-05150 (amended); WAC 296-96-05160 (amended); WAC 296-96-05170 (amended); WAC 296-96-05190 (amended); WAC 296-96-05200 (amended); WAC 296-96-05210 (amended); WAC 296-96-05220 (amended); WAC 296-96-05230 (amended); WAC 296-96-05240 (amended); WAC 296-96-05260 (amended); WAC 296-96-05290 (amended); WAC 296-96-07150 (amended); WAC 296-96-11080 (amended); WAC 296-96-18010 (amended); WAC 296-96-18011 (amended); WAC 296-96-18020 (amended); WAC 296-96-18030 (amended); WAC 296-96-18040 (amended); WAC 296-96-18050 (amended); WAC 296-96-18060 (amended); WAC 296-96-18070 (amended); WAC 296-96-18080 (amended); WAC 296-96-20005 (amended); WAC 296-96-20010 (amended); WAC 296-96-23000 (new); WAC 296-96-23100 (amended); WAC 296-96-23101 (amended); WAC 296-96-23115 (amended); WAC

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#### ***OCCUPATIONAL SAFETY AND HEALTH***

##### **Elevators, Dumbwaiters, Escalators, and Other Conveyances/Licensure**

##### **Washington OCCUPATIONAL SAFETY AND HEALTH**

Proposed rule of the Department of Labor and Industries would amend and adopt regulations under WAC 296-96 to establish requirements for temporary limited category 03 elevator mechanic licenses for the grain industry. The rule would set forth standards for licenses for maintenance, testing, and repair of hand-powered manlifts that are used in grain terminals to address shortages for the upcoming harvest season. The rule also would update various elevator contractor and conveyance mechanic licensure provisions and fees to conform with national safety standards and industry practices. In addition, the rule would update the renewal period for category 09 temporary elevator mechanic licenses to allow 12 licenses in a 12-month period, require applicants to demonstrate

more than 75 percent of the education and training hours to qualify for a temporary license if multiple licenses are requested, and integrate the existing policy on education and training requirements for elevator mechanics. Finally, the rule would modify requirements for the ratio, general direction, and education and experience requirements for category 04 elevator mechanics and provide for emergency licensure for elevator mechanics for limited use during a state of emergency. Hearings are scheduled for July 10, 11, 12, and 13, 2018, in Tukwila, Spokane, Yakima, and Vancouver, respectively. Comments are due July 13, 2018. Contact: Dotty Stanlaske; DLI; 360-902-6456

—Washington Publication Date: 06/20/2018. Citations: WAC 296-96-00900 (amended); WAC 296-96-00902 (amended); WAC 296-96-00903 (amended); WAC 296-96-00904 (amended); WAC 296-96-00906 (amended); WAC 296-96-00907 (amended); WAC 296-96-00908 (new); WAC 296-96-00910 (amended); WAC 296-96-00912 (amended); WAC 296-96-00914 (amended); WAC 296-96-00916 (amended); WAC 296-96-00918 (amended); WAC 296-96-00920 (amended); WAC 296-96-00922 (amended); WAC 296-96-00924 (amended); WAC 296-96-00930 (amended)

#### Regulatory Update

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EHS State Regulatory Alert

Message

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**From:** Ghanta, Venu G [Venu.Ghanta@duke-energy.com]  
**Sent:** 2/1/2018 3:53:19 PM  
**To:** Greenwalt, Sarah [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6c13775b8f424e90802669b87b135024-Greenwalt,]  
**Subject:** RE: Edwardsport

Hi Sarah-

I thought I would check in again in light of CBD filing their complaint on the ELG postponement rule to see if that might free up anything on Edwardsport.

Thanks, Venu

-----Original Message-----

From: Greenwalt, Sarah [mailto:greenwalt.sarah@epa.gov]  
Sent: Monday, January 08, 2018 8:12 PM  
To: Ghanta, Venu G  
Subject: RE: Edwardsport

\*\*\* Exercise caution. This is an EXTERNAL email. DO NOT open attachments or click links from unknown senders or unexpected email. \*\*\*

Venu -

We are still working through some legal issues raised by commenters. Nothing new to report at this time.

Best,

Sarah A. Greenwalt  
Senior Advisor to the Administrator  
for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency  
Work: 202-564-1722|Cell: Ex. 6 - Personal Privacy  
Greenwalt.Sarah@epa.gov

-----Original Message-----

From: Ghanta, Venu G [mailto:Venu.Ghanta@duke-energy.com]  
Sent: Monday, January 8, 2018 1:48 PM  
To: Greenwalt, Sarah <greenwalt.sarah@epa.gov>  
Subject: Edwardsport

Hi Sarah-

Hope you are having a great start to the new year. I was reminded today that IDEM sent their concurrence to EPA on the Edwardsport variance request in early December. Can you provide me an update on where you stand in your internal process and when we might see a decision?

Thanks again for your help with this.

Regards, Venu

**From:** Bloomberg BNA [bloomberg@bna.com]  
**Sent:** 6/20/2018 12:06:02 PM  
**To:** Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]  
**Subject:** June 20 -- EHS State Regulatory Alert

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**Bloomberg  
Environment**



## EHS State Regulatory Alert

June 20, 2018 - Number 119

You can create a report customized by topic, jurisdiction, and date range by using the [Regulatory Summaries Report Tool](#). The report can be generated in Excel, Word, or PDF.

### Alaska

#### *OIL AND GAS INDUSTRY*

Unified and Area Plans for Oil and Hazardous Substance Discharge Response  
Alaska OIL AND GAS INDUSTRY

Notice of the Department of Environmental Conservation announces a request for public comment on a proposal to reorganize the existing Alaska Federal/State Preparedness Plan for Response to Oil and Hazardous Substance Discharges/Releases (the Unified Plan) and the 10 subarea plans into one Alaska Regional Contingency Plan and four area contingency plans. The proposal would combine several of the current subareas and reflect the structure of the National Contingency Plan and National Response Framework. Comments are due July 17, 2018. Contact: Shannon Miller; DEC; 907-465-6171; decsparplanning@alaska.gov

—Alaska Publication Date: 06/18/2018.

[Regulatory Update](#)

## California

### *GENERAL ENVIRONMENT AND SAFETY*

#### Medical Treatment Utilization Schedule

#### California GENERAL ENVIRONMENT AND SAFETY

Notice of the Department of Industrial Relations announces a hearing on a proposed rule to amend regulations under 8 CCR 9792.22 and 9792.24.5 to update the medical treatment utilization schedule (MTUS). The rule would incorporate by reference the latest American College of Occupational and Environmental Medicine guidelines on Traumatic Brain Injury, Prevention, General Approach to Initial Assessment and Documentation, and Cornerstones of Disability Prevention and Management. The hearing is scheduled for July 18, 2018, in Oakland. Comments are due July 18, 2018. Contact: Maureen Gray; DIR, Division of Workers' Compensation; 510-286-7100; [dwcrules@dir.ca.gov](mailto:dwcrules@dir.ca.gov)

—California Publication Date: 06/18/2018. Citations: Title 8 CCR Sections 9792.22 and 9792.24.5 (amended)

#### Regulatory Update

## Illinois

### *HAZARDOUS WASTE MANAGEMENT*

#### Hazardous Waste Management

#### Illinois HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Pollution Control Board would amend regulations under 35 IAC 720 regarding the underground injection control permit program to incorporate provisions of the federal Generator Improvements Rule. The rule also would incorporate revisions to federal hazardous waste import and export provisions through Dec. 26, 2017, and the bar on claims of confidentiality for documents relating to hazardous waste exports. Comments are due July 30, 2018. Contact: Michael McCambridge; PCB; 312-814-6924; [michael.mccambridge@illinois.gov](mailto:michael.mccambridge@illinois.gov)

—Illinois Publication Date: 06/15/2018. Citations: 35 IAC 720.101 (amended); 35 IAC 720.102 (amended); 35 IAC 720.103 (amended); 35 IAC 720.104 (amended); 35 IAC 720.110 (amended); 35 IAC 720.111 (amended); 35 IAC 720.120 (amended); 35 IAC 720.121 (amended); 35 IAC 720.122 (amended); 35 IAC 720.134 (amended); 35 IAC 720.142 (amended); 35 IAC 720.143 (amended)

## Regulatory Update

### **HAZARDOUS WASTE MANAGEMENT**

#### **Identification and Listing of Hazardous Waste**

##### **Illinois HAZARDOUS WASTE MANAGEMENT**

Proposed rule of the Pollution Control Board would amend regulations under 35 IAC 721 regarding the identification and listing of hazardous waste to incorporate provisions of the federal Generator Improvements Rule. The rule also would incorporate revisions to federal hazardous waste import and export provisions through Dec. 26, 2017, and the bar on claims of confidentiality for documents relating to hazardous waste exports.

Comments are due July 30, 2018. Contact: Michael McCambridge; PCB; 312-814-6924; michael.mccambridge@illinois.gov

—Illinois Publication Date: 06/15/2018. Citations: 35 IAC 721.101 (amended); 35 IAC 721.102 (amended); 35 IAC 721.103 (amended); 35 IAC 721.104 (amended); 35 IAC 721.105 (repealed); 35 IAC 721.106 (amended); 35 IAC 721.108 (amended); 35 IAC 721.110 (amended); 35 IAC 721.111 (amended); 35 IAC 721.120 (amended); 35 IAC 721.121 (amended); 35 IAC 721.122 (amended); 35 IAC 721.124 (amended); 35 IAC 721.130 (amended); 35 IAC 721.131 (amended); 35 IAC 721.132 (amended); 35 IAC 721.133 (amended); 35 IAC 721.139 (amended); 35 IAC 721.141 (amended); 35 IAC 721.242 (amended); 35 IAC 721.243 (amended); 35 IAC 721.247 (amended); 35 IAC 721.279 (amended); 35 IAC 721.291 (amended); 35 IAC 721.293 (amended); 35 IAC 721.298 (amended); 35 IAC 721.300 (amended); 35 IAC 721.520 (amended); 35 IAC 721.931 (amended); 35 IAC 721.933 (amended); 35 IAC 721.934 (amended); 35 IAC 721.935 (amended); 35 IAC 721.950 (amended); 35 IAC 721.960 (amended); 35 IAC 721.963 (amended); 35 IAC 721.983 (amended); 35 IAC 721.984 (amended); 35 IAC 721.986 (amended); 35 IAC 721.987 (amended); 35 IAC 721.989 (amended); 35 IAC 721.Appendix A (amended); 35 IAC 721.Appendix H (amended); 35 IAC 721.Appendix I.Table B (amended); 35 IAC 721.Appendix I.Table D (amended); 35 IAC 721.Appendix Y (repealed); 35 IAC 721.Appendix Z (amended)

## Regulatory Update

### **HAZARDOUS WASTE MANAGEMENT**

#### **RCRA Permit Program**

##### **Illinois HAZARDOUS WASTE MANAGEMENT**

Proposed rule of the Pollution Control Board would amend regulations under 35 IAC 703 regarding the RCRA permit program to incorporate provisions of the federal Generator

Improvements Rule. The rule also would incorporate revisions to federal hazardous waste import and export provisions through Dec. 26, 2017. Comments are due July 30, 2018. Contact: Michael McCambridge; PCB; 312-814-6924; michael.mccambridge@illinois.gov

—Illinois Publication Date: 06/15/2018. Citations: 35 IAC 703.120 (amended); 35 IAC 703.123 (amended); 35 IAC 703.150 (amended); 35 IAC 703.151 (amended); 35 IAC 703.157 (amended); 35 IAC 703.161 (amended); 35 IAC 703.186 (amended); 35 IAC 703.189 (amended); 35 IAC 703.205 (amended); 35 IAC 703.208 (amended); 35 IAC 703.210 (amended); 35 IAC 703.211 (amended); 35 IAC 703.221 (amended); 35 IAC 703.223 (amended); 35 IAC 703.232 (amended); 35 IAC 703.270 (amended); 35 IAC 703.280 (amended); 35 IAC 703.282 (amended); 35 IAC 703.283 (amended); 35 IAC 703.320 (amended); 35 IAC 703.350 (amended); 35 IAC 703.352 (amended); 35 IAC 703.Appendix A (amended)

#### Regulatory Update

#### **HAZARDOUS WASTE MANAGEMENT**

##### **RCRA and Underground Injection Control Permit Procedures**

##### **Illinois HAZARDOUS WASTE MANAGEMENT**

Proposed rule of the Pollution Control Board would amend regulations under 35 IAC 705 regarding RCRA and underground injection control permitting procedures to incorporate provisions of the federal Generator Improvements Rule. The rule also would incorporate revisions to federal hazardous waste import and export provisions through Dec. 26, 2017. Comments are due July 30, 2018. Contact: Michael McCambridge; PCB; 312-814-6924; michael.mccambridge@illinois.gov

—Illinois Publication Date: 06/15/2018. Citations: 35 IAC 705.101 (amended); 35 IAC 705.122 (amended); 35 IAC 705.126 (amended); 35 IAC 705.128 (amended); 35 IAC 705.141 (amended); 35 IAC 705.143 (amended); 35 IAC 705.144 (amended); 35 IAC 705.164 (amended); 35 IAC 705.181 (amended); 35 IAC 705.182 (amended); 35 IAC 705.183 (amended); 35 IAC 705.184 (amended); 35 IAC 705.201 (amended); 35 IAC 705.211 (amended); 35 IAC 705.212 (amended); 35 IAC 705.300 (amended); 35 IAC 705.302 (amended); 35 IAC 705.303 (amended); 35 IAC 705.304 (amended)

#### Regulatory Update

#### **HAZARDOUS WASTE MANAGEMENT**

## RCRA, Underground Injection Control Permit Programs

### Illinois HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Pollution Control Board would amend regulations under 35 IAC 702 regarding the RCRA and underground injection control permit programs to incorporate provisions of the federal Generator Improvements Rule. The rule also would incorporate revisions to federal hazardous waste import and export provisions through Dec. 26, 2017. Comments are due July 30, 2018. Contact: Michael McCambridge; PCB; 312-814-6924; michael.mccambridge@illinois.gov

—Illinois Publication Date: 06/15/2018. Citations: 35 IAC 702.101 (amended); 35 IAC 702.103 (amended); 35 IAC 702.105 (amended); 35 IAC 702.106 (amended); 35 IAC 702.107 (amended); 35 IAC 702.108 (amended); 35 IAC 702.109 (amended); 35 IAC 702.110 (amended); 35 IAC 702.120 (amended); 35 IAC 702.123 (amended); 35 IAC 702.125 (amended); 35 IAC 702.126 (amended); 35 IAC 702.152 (amended); 35 IAC 702.162 (amended); 35 IAC 702.163 (amended); 35 IAC 702.181 (amended); 35 IAC 702.186 (amended)

### Regulatory Update

## HAZARDOUS WASTE MANAGEMENT

### Underground Injection Control Permit Program

### Illinois HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Pollution Control Board would amend regulations under 35 IAC 704 regarding the underground injection control permit program to incorporate provisions of the federal Generator Improvements Rule. The rule also would incorporate revisions to federal hazardous waste import and export provisions through Dec. 26, 2017. Comments are due July 30, 2018. Contact: Michael McCambridge; PCB; 312-814-6924; michael.mccambridge@illinois.gov

—Illinois Publication Date: 06/15/2018. Citations: 35 IAC 704.101 (amended); 35 IAC 704.102 (amended); 35 IAC 704.106 (amended); 35 IAC 704.122 (amended); 35 IAC 704.123 (amended); 35 IAC 704.124 (amended); 35 IAC 704.129 (amended); 35 IAC 704.141 (amended); 35 IAC 704.142 (amended); 35 IAC 704.145 (amended); 35 IAC 704.147 (amended); 35 IAC 704.148 (amended); 35 IAC 704.149 (amended); 35 IAC 704.150 (amended); 35 IAC 704.161 (amended); 35 IAC 704.162 (amended); 35 IAC 704.163 (amended); 35 IAC 704.181 (amended); 35 IAC 704.186 (amended); 35 IAC 704.189 (amended); 35 IAC 704.192 (amended); 35 IAC 704.193 (amended); 35 IAC 704.202 (amended); 35 IAC 704.212 (amended); 35 IAC 704.214 (amended); 35 IAC 704.215 (amended); 35 IAC 704.216 (amended); 35 IAC 704.218 (amended); 35 IAC 704.219 (amended); 35 IAC 704.260 (amended); 35 IAC 704.263 (amended); 35 IAC

704.279 (amended); 35 IAC 704.282 (amended); 35 IAC 704.283 (amended); 35 IAC 704.284 (amended); 35 IAC 704.285 (amended); 35 IAC 704.286 (amended); 35 IAC 704.287 (amended); 35 IAC 704.288 (amended); 35 IAC 704.289 (amended)

#### Regulatory Update

#### *HAZARDOUS WASTE MANAGEMENT*

##### **Underground Storage Tanks**

##### **Illinois HAZARDOUS WASTE MANAGEMENT**

Final rule of the Office of the State Fire Marshal amends regulations under 41 IAC 174 regarding general requirements for underground storage tanks and the storage, transportation, sale, and use of petroleum and other regulated substances. The rule allows landfills permitted by the Illinois EPA to use mobile fueling for the fueling of off-road vehicles and equipment used at and for the operation of the sites. The rule also requires that drivers, operators, and attendants monitor fuel flow at the deposit point during fuel transfer operations for bulk loading and unloading for railroad tank cars and tank vehicles. In addition, the rule adds definitions, revises language, and incorporates by reference publications, industry standards, and government standards. The rule is effective Oct. 13, 2018. Contact: Tom Andryk; OSFM, Division of Legal Counsel; 217-785-5758

—Illinois Publication Date: 06/15/2018. Citations: 41 IAC 174.100 (amended); 41 IAC 174.210 (amended); 41 IAC 174.300 (amended); 41 IAC 174.310 (amended); 41 IAC 174.320 (amended); 41 IAC 174.400 (amended); 41 IAC 174.420 (amended); 41 IAC 174.440 (amended); 41 IAC 174.450 (amended); 41 IAC 174.Appendix A (repealed)

#### Regulatory Update

#### *HAZARDOUS WASTE MANAGEMENT*

##### **Underground Storage Tanks/Administrative Requirements**

##### **Illinois HAZARDOUS WASTE MANAGEMENT**

Final rule of the Office of the State Fire Marshal amends and repeals regulations under 41 IAC 176 regarding administrative requirements for underground storage tanks and the storage, transportation, sale, and use of petroleum and other regulated substances. The rule revises administrative requirements to conform to federal standards for proof of compatibility when systems dispense ethanol or biodiesel above specified amounts, monthly walkthrough inspections, tightness testing, float vent valves, and full regulation of airport hydrant fueling systems and field-constructed tanks. The rule also updates

provisions to incorporate current practices, including the electronic submission of reporting forms and permit applications. In addition, the rule increases the length of time for required repeat operator training to four years and allows class A and B operators to retrain annually to avoid retraining in response to a notice of violation. Finally, the rule removes owner/operator reporting requirements. The rule is effective Oct. 13, 2018. Contact: Tom Andryk; OSFM, Division of Legal Counsel; 217-785-5758

—Illinois Publication Date: 06/15/2018. Citations: 41 IAC 176.100 (amended); 41 IAC 176.200 (amended); 41 IAC 176.205 (amended); 41 IAC 176.215 (amended); 41 IAC 176.220 (amended); 41 IAC 176.225 (amended); 41 IAC 176.230 (amended); 41 IAC 176.235 (repealed); 41 IAC 176.240 (amended); 41 IAC 176.250 (amended); 41 IAC 176.300 (amended); 41 IAC 176.310 (amended); 41 IAC 176.320 (amended); 41 IAC 176.330 (amended); 41 IAC 176.340 (amended); 41 IAC 176.360 (amended); 41 IAC 176.420 (amended); 41 IAC 176.430 (amended); 41 IAC 176.440 (amended); 41 IAC 176.455 (new); 41 IAC 176.470 (amended); 41 IAC 176.500 (amended); 41 IAC 176.505 (amended); 41 IAC 176.610 (amended); 41 IAC 176.615 (amended); 41 IAC 176.620 (amended); 41 IAC 176.625 (amended); 41 IAC 176.630 (amended); 41 IAC 176.635 (amended); 41 IAC 176.645 (amended); 41 IAC 176.650 (amended); 41 IAC 176.655 (amended); 41 IAC 176.Appendix A (repealed)

#### Regulatory Update

### ***HAZARDOUS WASTE MANAGEMENT***

#### **Underground Storage Tanks/Compliance Certification**

##### **Illinois HAZARDOUS WASTE MANAGEMENT**

Final rule of the Office of the State Fire Marshal amends and repeals regulations under 41 IAC 177 to update provisions concerning compliance certification for underground storage tanks. The rule clarifies language, deletes the definition of "OSFM," and removes the derivation table. The rule is effective Oct. 13, 2018. Contact: Tom Andryk; OSFM, Division of Legal Counsel; 217-785-5758

—Illinois Publication Date: 06/15/2018. Citations: 41 IAC 177.100 (amended); 41 IAC 177.105 (amended); 41 IAC 177.115 (amended); 41 IAC 177.Appendix A (repealed)

#### Regulatory Update

### ***HAZARDOUS WASTE MANAGEMENT***

#### **Underground Storage Tanks/Technical Requirements**

##### **Illinois HAZARDOUS WASTE MANAGEMENT**

Final rule of the Office of the State Fire Marshal amends, adopts, and repeals regulations under 41 IAC 175 regarding technical requirements for underground storage tanks (USTs) and the storage, transportation, sale, and use of petroleum and other regulated substances. The rule revises technical requirements to conform to federal standards for proof of compatibility when systems dispense ethanol or biodiesel above specified amounts, monthly walkthrough inspections, tightness testing, float vent valves, and full regulation of airport hydrant fueling systems and field constructed tanks. The rule also addresses unsafe product piping caused by lines installed to mix two products at the dispenser to create the midgrade product. In addition, the rule removes the provisions regarding payment of the 1988 annual UST fee. The rule is effective Oct. 13, 2018. Contact: Tom Andryk; OSFM, Division of Legal Counsel; 217-785-5758

—Illinois Publication Date: 06/15/2018. Citations: 41 IAC 175.200 (amended); 41 IAC 175.210 (amended); 41 IAC 175.220 (amended); 41 IAC 175.230 (amended); 41 IAC 175.240 (amended); 41 IAC 175.250 (amended); 41 IAC 175.300 (amended); 41 IAC 175.310 (amended); 41 IAC 175.320 (amended); 41 IAC 175.330 (repealed); 41 IAC 175.400 (amended); 41 IAC 175.405 (amended); 41 IAC 175.410 (amended); 41 IAC 175.415 (amended); 41 IAC 175.420 (amended); 41 IAC 175.425 (amended); 41 IAC 175.430 (amended); 41 IAC 175.435 (amended); 41 IAC 175.450 (amended); 41 IAC 175.460 (amended); 41 IAC 175.465 (amended); 41 IAC 175.500 (amended); 41 IAC 175.510 (amended); 41 IAC 175.610 (amended); 41 IAC 175.620 (amended); 41 IAC 175.630 (amended); 41 IAC 175.640 (amended); 41 IAC 175.650 (amended); 41 IAC 175.700 (amended); 41 IAC 175.710 (amended); 41 IAC 175.720 (amended); 41 IAC 175.800 (amended); 41 IAC 175.810 (amended); 41 IAC 175.820 (amended); 41 IAC 175.830 (amended); 41 IAC 175.840 (amended); 41 IAC 175.900 (new); 41 IAC 175.910 (new); 41 IAC 175.920 (new); 41 IAC 175.Appendix A (amended); 41 IAC 175.Appendix B (amended); 41 IAC 175.Appendix C (repealed)

### Regulatory Update

#### ***RADIATION***

##### **Status Signals for Nuclear Power Reactors**

##### **Illinois RADIATION**

Final rule of the Emergency Management Agency amends regulations under 32 IAC 504 to require owners of nuclear power reactors to provide the agency with an updated station catalogue every six months. The rule also requires the agency to provide reactor owners with communication hardware and revises the definitions of "communication link" and "station computer." The rule is effective May 31, 2018. Contact: Traci Burton; IEMA; 217-785-9860

—Illinois Publication Date: 06/15/2018. Citations: 32 IAC 504.20 (amended); 32 IAC 504.40 (amended); 32 IAC 504.50 (amended); 32 IAC 504.70 (amended)

Regulatory Update

**RADIATION**

**Transportation of Licensed Radioactive Material**  
Illinois RADIATION

Final rule of the Emergency Management Agency amends regulations under 32 IAC 332 regarding source material milling operations to maintain consistency with Nuclear Regulatory Commission standards under 10 CFR 40. The rule requires licensees to notify the agency in writing, immediately, rather than within five working days, of any condition that was not anticipated in the design of the byproduct material surface impoundment or disposal area and, if not corrected, could cause failure of embankments or other structures containing the byproduct material and the release of byproduct material into unrestricted areas. The rule is effective May 31, 2018. Contact: Traci Burton; IEMA; 217-785-9860

—Illinois Publication Date: 06/15/2018. Citations: 32 IAC 332.250 (amended)

Regulatory Update

**WATER**

**Sewer Discharge Criteria/Dental Dischargers, Steam Electric Power Generating**  
Illinois WATER

Final rule of the Pollution Control Board amends and adopts regulations under 35 IAC 307 to update wastewater pretreatment requirements to incorporate by reference federal standards under 40 CFR 423 and 441, as of Dec. 31, 2017. The rule adds pretreatment standards for dental dischargers and postpones the compliance date for certain pretreatment standards for the steam electric power generating point source category. The rule is effective May 29, 2018. Contact: Michael McCambridge; PCB; 312-814-6924; michael.mccambridge@illinois.gov

—Illinois Publication Date: 06/15/2018. Citations: 35 IAC 307.3301 (amended); 35 IAC 307.5100 (new)

Regulatory Update

## New Jersey

### *ENDANGERED SPECIES*

#### Marine Fisheries/Cobia, Black Sea Bass, Flounder Limits and Seasons

#### New Jersey ENDANGERED SPECIES

Notice of the Department of Environmental Protection, Division of Fish and Wildlife, announces administrative changes to regulations under NJAC 7:25-18 to update the commercial and recreational possession limits for cobia, the recreational minimum size for cobia, the recreational black sea bass seasons and possession limits, and the summer flounder recreational season. Contact: DEP, Division of Fish and Wildlife; 609-292-2965

—New Jersey Publication Date: 06/18/2018. Citations: NJAC 7:25-18.1 (amended)

#### Regulatory Update

### *HAZARDOUS WASTE CLEANUP*

#### Annual Site Remediation Reform Act Program Fees

#### New Jersey HAZARDOUS WASTE CLEANUP

Notice of the Department of Environmental Protection, Site Remediation and Waste Management Program, announces the availability of the annual Site Remediation Reform Act (SRRA) Program Fee Calculation Report for fiscal year 2019 under NJAC 7:26C-4. The SRRA Program administers brownfield and contaminated site remediation. The report identifies the annual remediation and remedial action permit-related fees for FY 2019 and compares the input data for FY 2018 with the input data for FY 2019. Contact: DEP, Site Remediation and Waste Management Program; 609-633-0701

—New Jersey Publication Date: 06/18/2018.

#### Regulatory Update

### *HAZARDOUS WASTE CLEANUP*

#### Proposed Consent Order/New Swift Cleaners Site

#### New Jersey HAZARDOUS WASTE CLEANUP

Notice of the Department of Environmental Protection, Site Remediation and Waste Management Program, announces a proposed consent order with WSH Enterprises Inc. for recovery of unreimbursed cleanup and removal costs associated with the New Swift Cleaners Site in New Brunswick. The consent order requires the defendant to pay \$58,464 to settle alleged liability for past remediation costs at the site. The agreement also includes a covenant not to sue. Comments are due Aug. 17, 2018. Contact: Kevin Kratina; DEP, Site Remediation and Waste Management Program; 609-633-1480

—New Jersey Publication Date: 06/18/2018.

#### Regulatory Update

### Ohio

#### **WATER**

##### **Sewage Sludge/Biosolids Program**

##### **Ohio WATER**

Proposed rule of the Ohio EPA would amend, adopt, and rescind regulations under OAC 3745-40 to update standards for the disposal, use, transfer, and treatment of sewage sludge and biosolids. The rule would add odor minimization requirements and a self-certification requirement for beneficial use sites. The rule also would add requirements for nontraditional or alternative feedstocks for use in anaerobic digestion. In addition, the rule would update provisions concerning management plans and permits, sampling and testing, site authorization, nitrogen and phosphorous, storage, compliance and enforcement, and signage. A hearing is scheduled for July 24, 2018, in Columbus. Comments are due July 24, 2018. Contact: Betsy VanWormer; OEPA, Division of Surface Water; 614-644-2150

—Ohio Publication Date: 06/18/2018. Citations: OAC 3745-40-01 (amended); OAC 3745-40-02 (repealed); OAC 3745-40-02 (new); OAC 3745-40-03 (repealed); OAC 3745-40-03 (new); OAC 3745-40-04 (amended); OAC 3745-40-05 (amended); OAC 3745-40-06 (repealed); OAC 3745-40-06 (new); OAC 3745-40-07 (repealed); OAC 3745-40-07 (new); OAC 3745-40-08 (repealed); OAC 3745-40-08 (new); OAC 3745-40-09 (amended); OAC 3745-40-10 (repealed); OAC 3745-40-10 (new); OAC 3745-40-11 (amended); OAC 3745-40-12 (amended)

#### Regulatory Update

## Oregon

### *ENDANGERED SPECIES*

#### Survival Guidelines for Marbled Murrelet

#### Oregon ENDANGERED SPECIES

Proposed rule of the Department of Fish and Wildlife would adopt regulations under OAR 635-100 to establish survival guidelines for the threatened Marbled Murrelet. The rule would specify that such guidelines will be advisory in nature and apply to actions proposed on lands owned or leased by a state agency or on a state agency easement, except road access easements across private lands. The rule also would include measures to minimize potential for unauthorized take of marbled murrelets. The rule replaces an April 30, 2018, proposed rule. A hearing is scheduled for Aug. 3, 2018, in Salem. Comments are due Aug. 3, 2018. Contact: Roxann Borisch; DFW; 503-947-6314; roxann.b.borisch@state.or.us

—Oregon Publication Date: 06/18/2018. Citations: OAR 635-100-0137 (new)

#### Regulatory Update

## Rhode Island

### *COASTAL ZONE*

#### Greenwich Bay Special Area Management Plan

#### Rhode Island COASTAL ZONE

Proposed direct final rule of the Coastal Resources Management Council would amend regulations under 650-RICR-20-00-6 to revise the Greenwich Bay Special Area Management Plan (SAMP). The rule would reformat and move existing text to the Greenwich Bay SAMP guidance document, which is intended to assist with compliance under the provisions. The rule also would update references. Comments are due July 15, 2018. Contact: James Boyd; CRMC; 401-783-3370; jboyd@crmc.ri.gov

—Rhode Island Publication Date: 06/17/2018. Citations: Uncodified

#### Regulatory Update

## South Dakota

## *HAZARDOUS MATERIALS TRANSPORTATION*

### **Motor Carrier Safety and Transportation of Hazardous Materials**

#### **South Dakota HAZARDOUS MATERIALS TRANSPORTATION**

Proposed rule of the Department of Public Safety would amend regulations under ARSD 24:06:07, 24:06:08, 61:16:01, 61:18:08, and 61:23:01 to incorporate by reference the April 1, 2017, edition of the Commercial Vehicle Safety Alliance North American Standard Out-of-Service Criteria. The rule also would establish requirements for certified nonprofit bus inspectors, revise the harvesting season and radius for hours of service exemption, and establish drivers license suspension periods for point accumulation. In addition, the rule would revise driver's license documentation requirements and establish a declaratory petition process. A hearing is scheduled for July 19, 2018, in Pierre. Comments are due Aug. 2, 2018. Contact: DPS; 605-773-3178

—South Dakota Publication Date: 06/18/2018. Citations: ARSD 61:23:01:04 (amended)

#### Regulatory Update

## *HAZARDOUS WASTE MANAGEMENT*

### **Underground Storage Tanks**

#### **South Dakota HAZARDOUS WASTE MANAGEMENT**

Final rule of the Department of Environment and Natural Resources, Water Management Board, amends regulations under ARSD 74:56:01 and :02 to require previously deferred underground storage tanks (USTs) associated with airport hydrant fuel distribution systems and used for emergency power generators to be in compliance with all applicable standards, effective Oct. 13, 2018. The rule also adds requirements for periodic testing of spill prevention equipment and containment sumps, periodic operation and maintenance walkthrough inspections, and demonstrating compatibility of UST systems with the substances stored in the system. In addition, the rule requires field constructed tanks and airport hydrant systems to comply with federal standards under 40 CFR 280 and revises performance standards, notification requirements, and provisions concerning upgrading and replacement of existing USTs and installation of under-dispenser sumps. In addition, the rule addresses cathodic protection, spill and overfill control, repairs, release detection, and recordkeeping. Finally the rule addresses training, temporary removal, system closure, and financial responsibility and lender liability. The rule is effective June 28, 2018. Contact: Doug Miller; DENR, Ground Water Protection Program; 605-773-3296

—South Dakota Publication Date: 06/18/2018. Citations: 74:56:01:23.01, .02, :57 (new); 74:56:01:01, :02, :03, :05, :06, :08, :10, .01, .02, .03, :11, :13, :14, :18, :21, :24, :25, :26, :27, :28, :34, :38, .01, :52, :53, :54, :55, :02 (amended)

Regulatory Update

Virginia

**WATER**

**Accomack County/State Water Control Law Enforcement Action**

Virginia WATER

Notice of the Department of Environmental Quality, State Water Control Board, announces a proposed consent order with A&B Salvage Inc. for alleged State Water Control violations for unauthorized discharge and documentation deficiencies associated with industrial activity at its automobile salvage yard facility in New Church, Accomack County. The consent order requires the settling party to pay a civil penalty of \$11,160 and to follow a specified compliance schedule. Comments are due July 11, 2018. Contact: Jennifer Coleman; DEQ; 804-698-4000; [jennifer.coleman@deq.virginia.gov](mailto:jennifer.coleman@deq.virginia.gov)

—Virginia Publication Date: 06/11/2018.

Regulatory Update

**WATER**

**City of Richmond/State Water Control Law Enforcement Action**

Virginia WATER

Notice of the Department of Environmental Quality, State Water Control Board, announces a proposed consent order with Jefferson-Lakeside Club for alleged State Water Control Law violations associated with unpermitted surface water withdrawals at its golf course in Richmond. The order requires Jefferson-Lakeside Club to pay a civil penalty of \$2,000 and to follow a specified compliance schedule. Comments are due July 11, 2018. Contact: Lee Crowell; DEQ; 804-698-4000; [lee.crowell@deq.virginia.gov](mailto:lee.crowell@deq.virginia.gov)

—Virginia Publication Date: 06/11/2018.

Regulatory Update

## Washington

### AIR

#### Radiation Protection/Sources of Radionuclide Emissions

##### Washington AIR

Final rule of the Department of Health amends regulations under WAC 246-247 to update the incorporation by reference of national emissions standards for radionuclide emissions under 40 CFR 61, as of July 1, 2018. The rule is effective July 2, 2018.

Contact: Theresa Phillips; DOH; 360-236-3147; [theresa.phillips@doh.wa.gov](mailto:theresa.phillips@doh.wa.gov)

—Washington Publication Date: 06/20/2018. Citations: WAC 246-247-035 (amended)

### Regulatory Update

#### *OCCUPATIONAL SAFETY AND HEALTH*

##### Elevators, Dumbwaiters, Escalators, and Other Conveyances

##### Washington OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Labor and Industries would amend regulations under WAC 296-96 to update safety standards and fees for elevators, dumbwaiters, escalators, and other conveyances. The rule would incorporate the 2016 edition of the American Society of Mechanical Engineers code, specified electrical and fire safety codes, and other related codes to conform with national standards and industry practices. The rule also would allow a replacement data tag to be created in the event that a tag is missing, update requirements for pit switches, and remove the permit requirement for certain repairs and replacements. In addition, the rule would clarify procedures for units placed out of service on a voluntary basis, specify that the department investigates injury-related accidents reported by the owner or owner's duly authorized agent, and align elevator requirements with those for other confined spaces. Finally, the rule would discontinue the requirement for submission of two sets of plans to reflect electronic submissions and require on-site retention of periodic test results. Hearings are scheduled for July 10, 11, 12, and 13, 2018, in Tukwila, Spokane, Yakima, and Vancouver, respectively. Comments are due July 13, 2018. Contact: Dotty Stanlaske; DLI; 360-902-6456

—Washington Publication Date: 06/20/2018. Citations: WAC 296-96-00600 (amended); WAC 296-96-00650 (amended); WAC 296-96-00675 (new); WAC 296-96-00700 (amended); WAC 296-96-00800 (amended); WAC 296-96-00805 (amended); WAC 296-96-01000 (amended); WAC 296-96-01005 (amended); WAC 296-96-01006 (amended); WAC 296-96-01008 (amended); WAC 296-96-01009 (amended); WAC 296-96-01010

(amended); WAC 296-96-01025 (amended); WAC 296-96-01027 (amended); WAC 296-96-01030 (amended); WAC 296-96-01035 (amended); WAC 296-96-01040 (amended); WAC 296-96-01045 (amended); WAC 296-96-01055 (amended); WAC 296-96-01057 (amended); WAC 296-96-01060 (amended); WAC 296-96-01065 (amended); WAC 296-96-01070 (amended); WAC 296-96-01075 (amended); WAC 296-96-02400 (amended); WAC 296-96-02405 (amended); WAC 296-96-02410 (amended); WAC 296-96-02415 (amended); WAC 296-96-02421 (amended); WAC 296-96-02425 (amended); WAC 296-96-02452 (amended); WAC 296-96-02460 (amended); WAC 296-96-02465 (amended); WAC 296-96-02470 (amended); WAC 296-96-02471 (amended); WAC 296-96-02481 (amended); WAC 296-96-02490 (amended); WAC 296-96-02525 (amended); WAC 296-96-02530 (amended); WAC 296-96-02552 (amended); WAC 296-96-02558 (amended); WAC 296-96-02580 (amended); WAC 296-96-02590 (amended); WAC 296-96-02605 (amended); WAC 296-96-02640 (amended); WAC 296-96-05000 (new); WAC 296-96-05010 (amended); WAC 296-96-05020 (amended); WAC 296-96-05030 (amended); WAC 296-96-05040 (amended); WAC 296-96-05050 (amended); WAC 296-96-05070 (amended); WAC 296-96-05080 (amended); WAC 296-96-05090 (amended); WAC 296-96-05100 (amended); WAC 296-96-05120 (amended); WAC 296-96-05140 (amended); WAC 296-96-05150 (amended); WAC 296-96-05160 (amended); WAC 296-96-05170 (amended); WAC 296-96-05190 (amended); WAC 296-96-05200 (amended); WAC 296-96-05210 (amended); WAC 296-96-05220 (amended); WAC 296-96-05230 (amended); WAC 296-96-05240 (amended); WAC 296-96-05260 (amended); WAC 296-96-05290 (amended); WAC 296-96-07150 (amended); WAC 296-96-11080 (amended); WAC 296-96-18010 (amended); WAC 296-96-18011 (amended); WAC 296-96-18020 (amended); WAC 296-96-18030 (amended); WAC 296-96-18040 (amended); WAC 296-96-18050 (amended); WAC 296-96-18060 (amended); WAC 296-96-18070 (amended); WAC 296-96-18080 (amended); WAC 296-96-20005 (amended); WAC 296-96-20010 (amended); WAC 296-96-23000 (new); WAC 296-96-23100 (amended); WAC 296-96-23101 (amended); WAC 296-96-23115 (amended); WAC

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#### ***OCCUPATIONAL SAFETY AND HEALTH***

##### **Elevators, Dumbwaiters, Escalators, and Other Conveyances/Licensure**

##### **Washington OCCUPATIONAL SAFETY AND HEALTH**

Proposed rule of the Department of Labor and Industries would amend and adopt regulations under WAC 296-96 to establish requirements for temporary limited category 03 elevator mechanic licenses for the grain industry. The rule would set forth standards for licenses for maintenance, testing, and repair of hand-powered manlifts that are used in grain terminals to address shortages for the upcoming harvest season. The rule also would update various elevator contractor and conveyance mechanic licensure provisions and fees to conform with national safety standards and industry practices. In addition, the rule would update the renewal period for category 09 temporary elevator mechanic licenses to allow 12 licenses in a 12-month period, require applicants to demonstrate

more than 75 percent of the education and training hours to qualify for a temporary license if multiple licenses are requested, and integrate the existing policy on education and training requirements for elevator mechanics. Finally, the rule would modify requirements for the ratio, general direction, and education and experience requirements for category 04 elevator mechanics and provide for emergency licensure for elevator mechanics for limited use during a state of emergency. Hearings are scheduled for July 10, 11, 12, and 13, 2018, in Tukwila, Spokane, Yakima, and Vancouver, respectively. Comments are due July 13, 2018. Contact: Dotty Stanlaske; DLI; 360-902-6456

—Washington Publication Date: 06/20/2018. Citations: WAC 296-96-00900 (amended); WAC 296-96-00902 (amended); WAC 296-96-00903 (amended); WAC 296-96-00904 (amended); WAC 296-96-00906 (amended); WAC 296-96-00907 (amended); WAC 296-96-00908 (new); WAC 296-96-00910 (amended); WAC 296-96-00912 (amended); WAC 296-96-00914 (amended); WAC 296-96-00916 (amended); WAC 296-96-00918 (amended); WAC 296-96-00920 (amended); WAC 296-96-00922 (amended); WAC 296-96-00924 (amended); WAC 296-96-00930 (amended)

#### Regulatory Update

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EHS State Regulatory Alert

**From:** Bloomberg BNA [bloomberg@bna.com]  
**Sent:** 3/21/2018 1:04:31 PM  
**To:** Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]  
**Subject:** March 21 -- EHS State Regulatory Alert

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**Bloomberg  
Environment**



## EHS State Regulatory Alert

March 21, 2018 - Number 55

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### Florida

#### *HAZARDOUS MATERIALS TRANSPORTATION*

##### **Liquefied Petroleum Gas Inspection**

##### **Florida HAZARDOUS MATERIALS TRANSPORTATION**

Proposed rule of the Department of Agriculture and Consumer Services, Division of Consumer Services, would amend regulations under FAC 5J-20 regarding liquefied petroleum (LP) gas inspection. The rule would update the LP gas examination scheduling request and the quarterly remittance report for odorizers and importers, eliminate the liquefied petroleum gas cargo vehicle meter inspection form, and incorporate by reference the National Fire Protection Association's standards. The rule also would update provisions to reflect the new assessment rate of the LP gas marketing order established through an industry referendum. Comments are due April 9, 2018. Contact: Hal Prince; DACS, Bureau of Standards; 850-921-1570; [harold.prince@freshfromflorida.com](mailto:harold.prince@freshfromflorida.com)

—Florida Publication Date: 03/19/2018. Citations: FAC 5J-20.004 (amended); FAC 5J-20.043 (amended); FAC 5J-20.044 (amended); FAC 5J-20.045 (amended); FAC 5J-20.048 (amended); FAC 5J-20.050 (amended); FAC 5J-20.061 (amended); FAC 5J-

20.065 (amended); FAC 5J-20.066 (amended); FAC 5J-20.071 (amended); FAC 5J-20.072 (amended); FAC 5J-20.080 (amended)

Regulatory Update

**SOLID WASTE**

**Solid Waste Grants Program**

**Florida SOLID WASTE**

Proposed rule of the Department of Environmental Protection would amend regulations under FAC 62-716 regarding the Solid Waste Grants program. The rule would update the forms for small county consolidated grant applications and require counties and public sector entities to electronically submit the annual solid waste and recycling reporting forms. The rule also would establish methods and criteria for counties and public-sector entities to report their recycling rates and update the department's designated reporting format. In addition, the rule would add the qualifications and application form for the voluntary certification program for materials recovery facilities. Finally, the rule would delete provisions on the disbursement of funds and general grant application requirements. Comments are due April 9, 2018. Contact: Henry Garrigo; DEP; 850-245-8822; [henry.garrigo@dep.state.fl.us](mailto:henry.garrigo@dep.state.fl.us)

—Florida Publication Date: 03/19/2018. Citations: FAC 62-716.300 (repealed); FAC 62-716.310 (repealed); FAC 62-716.450 (amended); FAC 62-716.460 (amended); FAC 62-716.470 (amended); FAC 62-716.480 (amended); FAC 62-716.500 (amended)

Regulatory Update

**Illinois**

**OCCUPATIONAL SAFETY AND HEALTH**

**Boiler and Pressure Vessel Safety**

**Illinois OCCUPATIONAL SAFETY AND HEALTH**

Proposed rule of the Office of the State Fire Marshal, Boiler and Pressure Vessel Rules Board, would amend regulations under 41 IAC 2120 to incorporate by reference the 2017 Edition of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code. The rule also would incorporate by reference the 2017 Edition of the National Board Inspection Code and the 2015 version of ASME CSD-1, Controls and

Safety Devices for Automatically Fired Boilers. Comments are due April 30, 2018.

Contact: Tom Andryk; OSFM, Division of Legal; 217-785-5758

—Illinois Publication Date: 03/16/2018. Citations: 41 IAC 2120.20 (amended); 41 IAC 2120.1400 (amended)

#### Regulatory Update

#### **WATER**

##### **Sanitary Sewers/Construct Only Permits**

##### **Illinois WATER**

Proposed rule of the Illinois EPA would repeal regulations under 35 IAC 393 to remove unnecessary guidelines for “construct only” permits that allow construction of a sanitary sewer when the sewerage facilities intended to receive new wastes are unable to transport or treat such new wastes. According to the agency, all construction permits are “construct only” unless otherwise specified. Comments are due April 30, 2018.

Contact: Gabriel Neibergall; IEPA; 217-782-5544; gabriel.neibergall@illinois.gov

—Illinois Publication Date: 03/16/2018. Citations: 35 IAC 393.101 (repealed); 35 IAC 393.102 (repealed); 35 IAC 393.103 (repealed); 35 IAC 393.104 (repealed)

#### Regulatory Update

#### **WATER**

##### **Sewer Discharge Criteria/Dental Dischargers, Steam Electric Power Generating**

##### **Illinois WATER**

Proposed rule of the Pollution Control Board would amend and adopt regulations under 35 IAC 307 to update wastewater pretreatment requirements to incorporate by reference federal standards under 40 CFR 423 and 441 as of Dec. 31, 2017. The rule would add pretreatment standards for dental dischargers and postpone the compliance date for certain pretreatment standards for the steam electric power generating point source category. Comments are due April 30, 2018. Contact: Michael McCambridge; PCB; 312-814-6924; michael.mccambridge@illinois.gov

—Illinois Publication Date: 03/16/2018. Citations: 35 IAC 307.3301 (amended); 35 IAC 307.5100 (new)

#### Regulatory Update

## Maryland

### ***WATER***

#### **Susquehanna River Basin Commission/Projects Approved for Consumptive Water Uses Maryland WATER**

Notice of the Susquehanna River Basin Commission announces a list of projects approved for consumptive use of water in December 2017. The notice addresses seven project approvals by rule for consumptive use, including uses related to unconventional natural gas and other hydrocarbon development. Contact: Jason Oyler; SRBC; 717-238-0423; joyler@srbc.net

—Maryland Publication Date: 03/16/2018.

#### Regulatory Update

### ***WATER***

#### **Susquehanna River Basin Commission/Projects Rescinded for Consumptive Uses of Water Maryland WATER**

Notice of the Susquehanna River Basin Commission lists the projects rescinded for the consumptive use of water during December 2017. The list includes two projects located in Clinton and Tioga counties in Pennsylvania. Contact: Jason Oyler; SRBC; 717-238-0423; joyler@srbc.net

—Maryland Publication Date: 03/16/2018.

#### Regulatory Update

## Minnesota

### ***WATER***

#### **In-Lieu Fee Wetland Mitigation Program Minnesota WATER**

Notice announces the intention of the Board of Water and Soil Resources to develop an in-lieu fee (ILF) wetland mitigation program. Such programs involve the restoration,

creation, enhancement, and/or preservation of wetlands through funds paid to a governmental entity as an alternative way to satisfy wetland replacement requirements under the Wetland Conservation Act and Section 404 of the Clean Water Act. The program would focus primarily on wetland replacement for the Local Government Roads Wetland Replacement Program and initially would be limited to the St. Croix River watershed. The board submitted a prospectus and draft compensation planning framework to the U.S. Army Corps of Engineers, St. Paul District, for review. Comments are due April 18, 2018. Contact: Tim Smith; BWSR; 651-600-7554

—Minnesota Publication Date: 03/19/2018.

#### Regulatory Update

### Montana

#### ***WATER***

##### **On-Site Subsurface Wastewater Treatment**

##### **Montana WATER**

Notice of the Department of Environmental Quality announces changes to and an extension of the comment period for a Sept. 22, 2017, proposed rule to amend regulations under ARM 17.36 to update on-site subsurface wastewater treatment standards relating to review of subdivisions. The rule would incorporate by reference the 2017 version of Department Circular DEQ-8 concerning standards for subdivision storm drainage to clarify drainage review requirements and provide information on new technologies that can be used to design drainage facilities. The rule also would remove design requirements and update applicable fees and provisions concerning applications, review procedures, board of health certifications, storm drainage plans, professional engineer-designed systems, and sewage and water supply systems. The changes remove the Manning's roughness coefficient table to allow greater flexibility in storm drainage calculations and replace references to the table with specific coefficients. Comments now are due April 13, 2018. Contact: Sandy Scherer; DEQ; 406-444-2630; [sscherer@mt.gov](mailto:sscherer@mt.gov)

—Montana Publication Date: 03/16/2018. Citations: ARM 17.36.103, .106, .112, .116, .310, .314, .326, .330, .331, .333, .334, .335, .345, .802, .804 (amended)

#### Regulatory Update

## New Jersey

*AIR*

### Air Contaminant Emission Fee

New Jersey AIR

Notice of the Department of Environmental Protection, Division of Air Quality, announces the fiscal year 2018 increase in the air contaminant emission fee for major facilities, pursuant to regulations under NJAC 7:27-22, based on the 12-month Consumer Price Index (CPI) average for the period ending August 2017. The notice reflects the determination by the department that the air contaminant emission fee, applying the CPI percentage increase since 1989 to the base amount of \$60 per ton, results in an annual emission fee for fiscal 2018 of \$119.56 per ton emitted in calendar year 2016. The fee is due April 18, 2018. Contact: DEP, Division of Air Quality; 609-292-6710

—New Jersey Publication Date: 03/19/2018.

### Regulatory Update

*AIR*

### Air Quality Modeling Technical Manuals

New Jersey AIR

Notice of the Department of Environmental Protection, Division of Air Quality, announces revisions to Technical Manual 1002 on preparing an air quality model protocol and Technical Manual 1003 on preparing a risk assessment for air contaminant emissions. Technical Manual 1002 provides procedures on using modeling to predict the ambient air quality impact of emissions from stationary sources and includes updates to reflect revised NAAQS and incorporate revisions to the federal guideline on air quality models under 40 CFR 51, Appendix W. Technical Manual 1003 specifies procedures on risk screening and evaluation and is updated to reflect changes to Technical Manual 1002 and incorporate new procedures for risk screening and refined risk assessment. Comments are due April 18, 2018. Contact: DEP, Division of Air Quality; 609-292-6722; NJDEP-BAQP@dep.nj.gov

—New Jersey Publication Date: 03/19/2018.

### Regulatory Update

*COMMUNITY RIGHT-TO-KNOW*

Worker and Community Right to Know  
New Jersey COMMUNITY RIGHT-TO-KNOW

Final rule of the Department of Health, Division of Epidemiology, Environmental, and Occupational Health, readopts with amendments regulations under NJAC 8:59 concerning worker and community right to know. The rule reflects reorganization and renaming of the department and updates contact information and references to publications incorporated by reference. The rule is effective March 19, 2018. Contact: DOH; 609-292-7837

—New Jersey Publication Date: 03/19/2018. Citations: NJAC 8:59-1.3 (amended); NJAC 8:59-1.4 (amended); NJAC 8:59-2.1 (amended); NJAC 8:59-3.1 (amended); NJAC 8:59-3.2 (amended); NJAC 8:59-3.3 (amended); NJAC 8:59-3.4 (amended); NJAC 8:59-3.5 (amended); NJAC 8:59-3.6 (amended); NJAC 8:59-3.7 (amended); NJAC 8:59-3.8 (amended); NJAC 8:59-3.9 (amended); NJAC 8:59-3.10 (amended); NJAC 8:59-3.11 (amended); NJAC 8:59-3.13 (amended); NJAC 8:59-3.14 (amended); NJAC 8:59-3.15 (amended); NJAC 8:59-3.16 (amended); NJAC 8:59-4.1 (amended); NJAC 8:59-4.2 (amended); NJAC 8:59-4.3 (amended); NJAC 8:59-4.4 (amended); NJAC 8:59-5.1 (amended); NJAC 8:59-5.3 (amended); NJAC 8:59-5.5 (amended); NJAC 8:59-5.6 (amended); NJAC 8:59-5.7 (amended); NJAC 8:59-5.9 (amended); NJAC 8:59-6.1 (amended); NJAC 8:59-6.3 (amended); NJAC 8:59-6.4 (amended); NJAC 8:59-7.1 (amended); NJAC 8:59-7.2 (amended); NJAC 8:59-7.3 (amended); NJAC 8:59-7.5 (amended); NJAC 8:59-8.1 (amended); NJAC 8:59-8.2 (amended); NJAC 8:59-8.3 (amended); NJAC 8:59-8.4 (amended); NJAC 8:59-8.5 (amended); NJAC 8:59-8.6 (amended); NJAC 8:59-8.7 (amended); NJAC 8:59-8.8 (amended); NJAC 8:59-8.9 (amended); NJAC 8:59-8.10 (amended); NJAC 8:59-8.11 (amended); NJAC 8:59-8.12 (amended); NJAC 8:59-9.1 (amended); NJAC 8:59-9.2 (amended); NJAC 8:59-9.3 (amended); NJAC 8:59-10.1 (amended); NJAC 8:59-10.2 (amended); NJAC 8:59-10.3 (amended); NJAC 8:59-11.6 (amended)

Regulatory Update

*HAZARDOUS WASTE MANAGEMENT*

Water Pollution Control, Remediation of Contaminated Sites, UST Standards  
New Jersey HAZARDOUS WASTE MANAGEMENT

Notice of the Department of Environmental Protection announces a correction to a Jan. 16, 2018, final rule that amended, adopted, and repealed regulations under NJAC 7:14, 7:14B, and 7:26C concerning underground storage tanks (USTs), water pollution control, and requirements for remediation of contaminated sites. The correction replaces an erroneous web address for submission of the completed New Jersey Underground

Storage Tank Facility Certification Questionnaire. Contact: Alice Previte; DEP, Office of Legal Affairs; 609-292-9398

—New Jersey Publication Date: 03/19/2018. Citations: NJAC 7:14B-2.2 (amended)

#### Regulatory Update

##### ***WATER***

Coastal Zone Management, Freshwater Wetlands Protection, Flood Hazard Area Control  
New Jersey WATER

Notice of the Department of Environmental Protection, Division of Land Use Regulation, announces a correction to a Dec. 18, 2017, final rule that amended regulations under NJAC 7:7, 7:7A, and 7:13 to revise Freshwater Wetland Protection Act standards to align the permitting process with the coastal zone management and Flood Hazard Control Act permitting programs. The correction inserts an inadvertently omitted footnote setting a maximum fee and a fee for the modification of previously reviewed stormwater calculations. Contact: Gary Brower; DEP, Office of Legal Affairs; 609-292-0716

—New Jersey Publication Date: 03/19/2018. Citations: NJAC 7:7A-18.1 (amended)

#### Regulatory Update

## Ohio

##### ***OCCUPATIONAL SAFETY AND HEALTH***

Communicable Diseases

Ohio OCCUPATIONAL SAFETY AND HEALTH

Final rule of the Department of Health amends regulations under OAC 3701-3 to update requirements for infectious disease reporting and confinement of biting animals to add carbapenemase-producing carbapenem-resistant enterobacteriaceae (CP-CRE) to the list of reportable diseases. The rule specifies that CP-CRE enterobacter spp., CP-CRE E. coli, CP-CRE Klebsiella spp., and CP-CRE other must be reported by physicians, laboratories, hospitals, and other health care providers. The rule also reduces the quarantine period for a known rabid biting dog or cat from six months to four months and updates the rabies vaccination booster guidance. The rule is effective March 22, 2018. Contact: Kaye Norton; Department of Health; 614-644-8184; Kaye.Norton@odh.ohio.gov

—Ohio Publication Date: 03/19/2018. Citations: OAC 3701-3-02 (amended); OAC 3701-3-29 (amended)

### Regulatory Update

#### **RADIATION**

##### **Radiation Experts Certification/External Beam Radiation Therapy Equipment Ohio RADIATION**

Final rule of the Department of Health amends regulations under OAC 3701:1-66 to reduce the training hours required for qualification to become a certified radiation expert for the category of diagnostic radiation-generating equipment. The rule also updates cross-references and addresses prioritization of applications by a service member, veteran, or spouse of a service member or veteran. The rule is effective May 1, 2018. Contact: Kaye Norton; Department of Health; 614-644-8184; [Kaye.Norton@odh.ohio.gov](mailto:Kaye.Norton@odh.ohio.gov)

—Ohio Publication Date: 03/19/2018. Citations: OAC 3701:1-66-03 (amended)

### Regulatory Update

#### **WATER**

##### **Drinking Water/Lead and Copper, Laboratory Certification, Consumer Confidence Ohio WATER**

Notice of the Ohio EPA announces changes to a Feb. 5, 2018, proposed rule to amend regulations under OAC 3745-81, -89, and -96 to update primary drinking water standards and the lead and copper rule. The rule would update monitoring, analysis, and corrosion control requirements and change timelines for certain reporting actions and public or consumer notification relating to monitoring results. The rule also would define "lead threshold level," add penalties for failure to issue notification of monitoring results, and address the calculation and assessment of administrative penalties against public water systems. In addition, the rule would provide for assessment of action level exceedances throughout the monitoring period, address optimized corrosion control treatment for small and medium systems, address the applicability of corrosion control treatment steps, and update requirements for replacement of lead service lines. Finally, the rule would require community and nontransient noncommunity water systems to identify and map the areas of their system that contain lead, address timelines for completion of lead and copper analysis by certified laboratories, and require community water systems to report lead and copper tap results in consumer confidence reports.

The changes allow public water systems to cease replacing lead service line if they fall below the lead action level during two subsequent consecutive six-month monitoring periods, clarify the public notification requirements, and delay until Oct. 1, 2018, the requirement to comply with water main replacement requirements. The changes also remove the public notification requirement for full lead service line replacement, clarify the requirement for the selection of sampling sites, and remove obsolete provisions. Contact: Colin White; OEPA; 614-644-2759; Colin.White@epa.ohio.gov

—Ohio Publication Date: 03/19/2018. Citations: OAC 3745-81-80 (amended); OAC 3745-81-84 (amended); OAC 3745-81-86 (amended)

#### Regulatory Update

### Rhode Island

#### *AIR*

##### **Air Pollution Control Permits**

##### **Rhode Island AIR**

Final rule of the Department of Environmental Management, Office of Air Resources, amends regulations under 250-RICR-120-05-9 (Air Pollution Control Regulation No. 9) regarding air pollution control permits to align with federal standards. The rule removes the restriction on increment consumption, which specifies that no major stationary source or major modification will be allowed to consume more than 75 percent of the remaining 24-hour increment or 25 percent of the remaining annual increment. The rule also revises applicability exemptions and definitions concerning major stationary sources or major modifications in attainment or unclassifiable areas. The rule is effective April 5, 2018. Contact: Karen Slattery; DEM, Office of Air Resources; 401- 222-2808; karen.slattery@dem.ri.gov

—Rhode Island Publication Date: 03/18/2018. Citations: 250-RICR-120-00-9 (amended)

#### Regulatory Update

#### **HAZARDOUS WASTE MANAGEMENT**

##### **Hazardous Waste Management**

##### **Rhode Island HAZARDOUS WASTE MANAGEMENT**

Proposed direct final rule of the Department of Environmental Management, Office of Waste Management, would amend regulations under 250-RICR-140-10-1 to reformat

requirements for hazardous waste management. The rule also would update the incorporation by reference of federal standards. The rule is effective April 16, 2018, if no objections are received by that date. Hearing requests are due April 17, 2018. Comments are due April 16, 2018. Contact: Mark Dennen; DEM, Office of Waste Management; 401-222-2797; mark.dennen@dem.ri.gov

—Rhode Island Publication Date: 03/18/2018. Citations: 250-RICR-140-10-1 (amended)

#### Regulatory Update

### Washington

#### *AIR*

#### Department of Commerce/Rulemaking Agenda Washington AIR

Notice of the Department of Commerce announces the availability of the semiannual rulemaking agenda for January through June 2018. The topics to be addressed include standards for the determination of the average greenhouse gas emissions rate from new, commercially available combined cycle combustion turbines. Contact: Jamie Rossman; Department of Commerce; 360-725-2717; jamie.rossman@commerce.wa.gov

—Washington Publication Date: 03/21/2018.

#### Regulatory Update

#### *AIR*

#### Southwest Clean Air Agency/Asbestos Standards Washington AIR

Proposed rule of the Southwest Clean Air Agency would amend regulations under SWCAA 476-040 through -80 to update requirements for asbestos surveys, notification, emission control, and disposal. The rule would clarify and update inspection and sampling procedures, add an alternative procedure, and add inspection reporting requirements. The rule also would reduce the notification period for asbestos removal and demolition to 10 calendar days, add procedures for abandoned asbestos-containing materials, and add state of emergency procedures for public disasters. In addition, the rule would require asbestos-containing materials to be stored in leak tight containers, add waste tracking requirements, and increase the notification period for fire training

burns to 10 calendar days. A hearing is scheduled for May 3, 2018, in Vancouver. Comments are due May 4, 2018. Contact: Gerald Strawn; SWCAA; 360-574-3058; gerry@swclearnair.org

—Washington Publication Date: 03/21/2018.

#### Regulatory Update

#### *OCCUPATIONAL SAFETY AND HEALTH*

##### **Railroad Safety/Contract Crew Transportation**

##### **Washington OCCUPATIONAL SAFETY AND HEALTH**

Proposed rule of the Utilities and Transportation Commission would amend and adopt regulations under WAC 480-62 to establish safety requirements for railroad contract crew transportation. The rule would add standards concerning contract crew transportation registration and permits, vehicle and driver safety, intrastate medical waivers, insurance, passenger notice, safety training, enforcement, and recordkeeping and recording. The rule also would incorporate the North American Standard Out-of-Service Criteria and update the incorporation by reference of various standards. In addition, the rule would add definitions of "contract crew transportation company" and "contract crew transportation vehicle." A hearing is scheduled for April 12, 2018, in Olympia. Comments are due March 30, 2018. Contact: Mathew Perkinson; UTC; 360-664-1236; mperkinson@utc.wa.gov

—Washington Publication Date: 03/21/2018. Citations: WAC 480-62-125 (amended); WAC 480-62-240 (amended); WAC 480-62-245 (amended); WAC 480-62-275 (new); WAC 480-62-278 (new); WAC 480-62-281 (new); WAC 480-62-284 (new); WAC 480-62-287 (new); WAC 480-62-290 (new); WAC 480-62-293 (new); WAC 480-62-296 (new); WAC 480-62-299 (new); WAC 480-62-999 (amended)

#### Regulatory Update

#### *WATER*

##### **On-Site Sewage Systems**

##### **Washington WATER**

Notice announces the intention of the Department of Health, State Board of Health, to amend regulations under WAC 246-272A to update standards for on-site sewage systems as part of a quadrennial review. The rule would update provisions regarding local management plans, property sale inspections, treatment levels, ultraviolet disinfection, and licensing of operations and maintenance providers. Comments are

requested, but a due date is not specified. Contact: Jeremy Simmons; DOH, Wastewater Section; 360-236-3346; Jeremy.Simmons@doh.wa.gov

—Washington Publication Date: 03/21/2018. Citations: WAC 246-272A (amended)

Regulatory Update

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EHS State Regulatory Alert

Message

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**From:** Bowman, Liz [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C3D4D94D3E4B4B1F80904056703EBC80-BOWMAN, ELI]  
**Sent:** 3/3/2018 6:52:32 PM  
**To:** Jim Myers [Personal Email / Ex. 6]  
**CC:** Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]  
**Subject:** EPA Administrator Scott Pruitt Year in Review (embargo copy)  
**Attachments:** DRAFT FORMATTED Year in Review 3.2.18 Unsigned Letter.pdf; ATT00001.htm

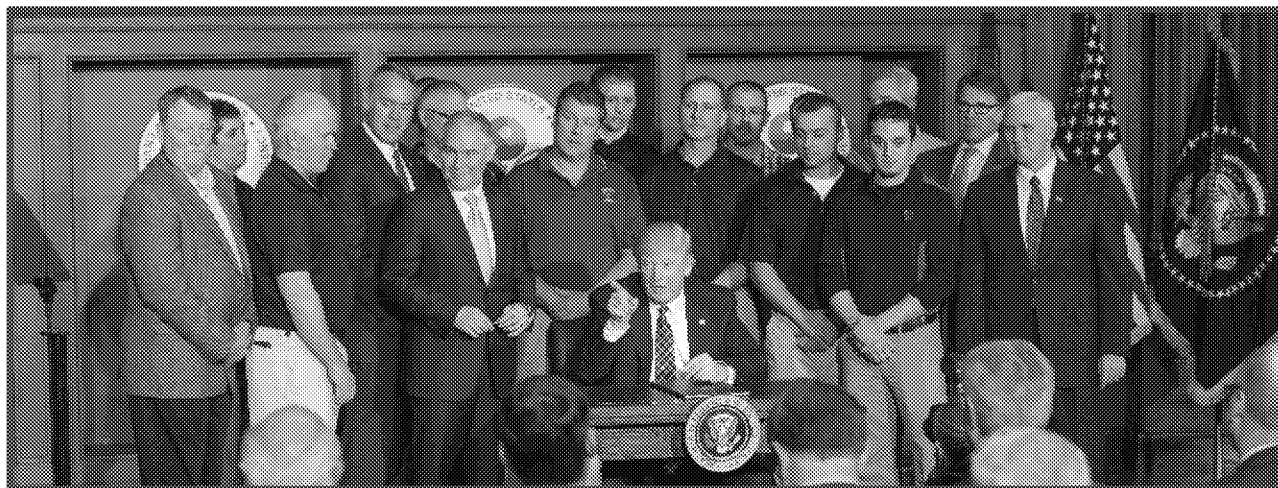
Hi Jim - It was nice to meet you at Administrator Pruitt's hearing. We would love to get you in to sit down with the administrator in the next week or so to talk about some upcoming announcements. In the meantime, I want to provide you an advance copy of our "year one summary."

This includes highlights of all the work Administrator Pruitt has spearheaded at EPA. We plan to release this to the public on Monday, but wanted to give you an early copy - we just ask that you keep it embargoed until 11am Eastern on Monday.

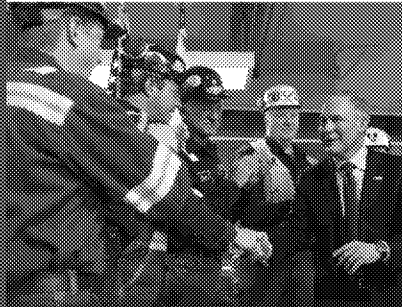
Can you please let me know if you have questions and if you think you will write?

I can be reached at [Ex. 6 - Personal Privacy]

Thank you for your consideration, Liz Bowman


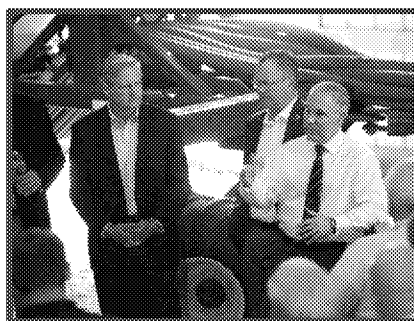
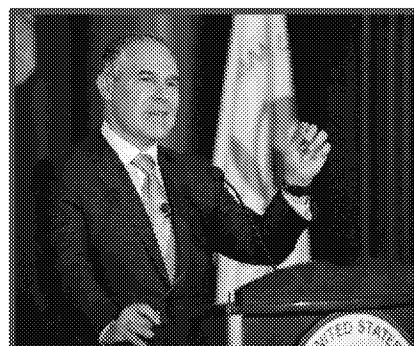
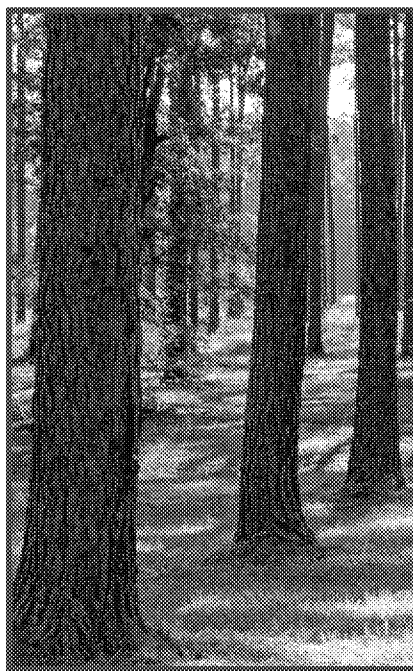


# EPA Year in Review 2017-2018



**EPA'S  
BACK-TO-BASICS  
AGENDA**

- ✓ Protecting the **environment**
- ✓ Engaging with partners
- ✓ Sensible regulations for **economic growth**

Friends and Colleagues –

We have been hard at work enacting President Donald Trump’s agenda during my first year as EPA Administrator. His courage and leadership have been key to our success. From his decision to exit the Paris Accord to his executive order empowering EPA to review and rescind the Clean Power Plan, the President is delivering on his promises and getting results for the American people.

We are following his lead. Days after being sworn in, I addressed EPA’s employees and committed to listening and working cooperatively with states and stakeholders to tackle today’s environmental challenges. In my first year, I traveled to 30 states and U.S. territories and met with 34 bipartisan governors and over 350 stakeholder groups. We are taking important actions in collaboration with – not opposition to – the states.

I committed to refocusing the Agency on its core mission. Today, we are focusing on cleaning up contaminated lands, improving air quality and rebuilding America’s water infrastructure. Finally, I promised that we would restore the rule of law. We are rescinding and replacing the burdensome Waters of the U.S. rule, and we ended the harmful and wrongful practice of “sue and settle.”

These are just a few examples of my commitment to fulfilling these promises. This report details EPA’s accomplishments and what they mean for the American people and the environment. The sum of these actions is monumental: In year one, EPA finalized 22 deregulatory actions, saving Americans more than \$1 billion in regulatory costs.

We have made tremendous progress in year one to implement the President’s vision. EPA today is more efficient, more effective and more transparent in carrying out its all-important task of protecting human health and the environment. Much work remains to be done though. We will help repair our nation’s crumbling water infrastructure; we will continue to clean up and revitalize more Superfund sites; and we will work with states to continue to improve air quality. Thanks to our reforms and improvements in year one, we now have the framework and policies in place to tackle these problems head on.

I look forward to working together to accomplish even more progress in 2018.

Sincerely,

E. Scott Pruitt

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## Accomplishments

- ✓ Halted Job-Killing, Burdensome, Duplicative Regulations
- ✓ Eliminated Agency Backlogs, Improved Efficiency
- ✓ Increased Transparency, Accountability
- ✓ Returned to Cooperative Federalism
- ✓ Restored the Rule of Law, Process
- ✓ Improved Compliance and Assistance

In one year, EPA Administrator Scott Pruitt spearheaded 22 deregulatory actions that could save the American people more than \$1 billion in regulatory costs.

### By the Numbers:

- ✓ IMPLEMENTING EXECUTIVE ORDERS (E.O.): EPA quickly acted on President Donald Trump's E.O. to review the 2015 definition of "Waters of the U.S.," President Trump's Energy Independence E.O. to propose a repeal of the so-called "Clean Power Plan," and President Trump's "Regulatory Reform" E.O. 13777 by finalizing two deregulatory actions for each regulatory action – with ZERO net costs to the U.S. economy.
- ✓ REGULATORY REFORM: 22 deregulatory actions were finalized, which could save more than \$1 billion in regulatory costs; EPA also initiated work on an additional 44 deregulatory actions and announced the reconsideration of over a dozen overreaching and burdensome regulations.
- ✓ OUTREACH: Administrator Pruitt consulted with 95 bipartisan members of Congress, 34 bipartisan governors, visited 30 states and U.S. territories, and met with over 350 stakeholder groups.
- ✓ AIR: EPA acted on 322 State Implementation Plans (SIPs) and turned one Federal Implementation Plan (FIP) into a SIP each month since March 1, 2017.
- ✓ WATER: 3,000 Total Maximum Daily Loads were approved and EPA focused on the priority water bodies selected by states. EPA also: cut the amount of time it took to review state water quality standards in half (from 120 days to 60); committed \$25 million in water infrastructure loans; disbursed \$8.9 billion in State Revolving Funds to improve our nation's water quality; and awarded \$100 million to Flint, Michigan for water infrastructure upgrades.
- ✓ LAND: Seven contaminated sites were eliminated, substantially or entirely, from the National Priorities List (NPL) of contaminated sites; only two sites were removed the previous year. EPA also awarded \$60 million in Brownfields cleanup grants to local communities.
- ✓ CHEMICALS: 600 new chemical submissions were stuck in the Agency's backlog as of January 2017; EPA cleared the backlog and ensured that all new chemicals coming to market received a safety determination within about 90 days.
- ✓ ENFORCEMENT: In FY17, \$1.6 billion was collected in administrative and civil judicial penalties, higher than any of the previous ten years, other than FY16, which included one \$5.7 billion action taken. EPA also celebrated an increase in the value of commitments by private parties to clean up land to more than \$1.2 billion, an increase in the total of criminal fines, restitution and mitigation to \$2.98 billion, and an increase in the value of actions to improve compliance to nearly \$20 billion.

## Introduction

U.S. Environmental Protection Agency (EPA) plays a vital role in American society. It is a role that is clearly defined by Congress, its statutes, and – from time to time – the courts. EPA most-effectively protects the environment and human health when it operates within the bounds of its authority. However, when EPA strays outside that role, it encumbers both environmental protections and economic growth.

At the outset of EPA Administrator Scott Pruitt's tenure, he set forth a "back-to-basics agenda" centered on returning EPA to its proper role via three objectives:

- 1) **Refocusing the Agency back to its core mission**
- 2) **Restoring power to the states through cooperative federalism**
- 3) **Adhering to the rule of law and improving Agency processes**

In one year, EPA has made tremendous environmental progress in line with these goals, and it shows that the Agency can be both pro-environment and pro-growth.

The combination of a refocused Agency, cooperative federalism, and rule of law has unleashed new optimism throughout the nation. Americans can trust that environmental hazards will be addressed quickly and thoroughly; states and industry will be treated as partners, not opponents; and regulations will provide clarity, not confusion. The results are a cleaner, safer, and stronger America for all.

## Core Mission

The first of the three pillars of Administrator Pruitt's "back-to-basics agenda" is to refocus the Agency on its core mission: clean air, land,

and water. EPA was founded in 1970 in order to consolidate the federal government's environmental efforts under one roof and better enforce the environmental laws passed by Congress. In recent years, however, EPA expanded its authority and jurisdiction into areas outside its core mission. In the process, central responsibilities of the Agency took a backseat to ideological crusades, allowing some environmental threats – like cleaning up toxic land – to go unaddressed. Administrator Pruitt returned the Agency to its core mission and prioritized issues at the heart of EPA's purpose: ensuring access to clean air and water, cleaning up contaminated lands and returning them to communities for reuse, improving water infrastructure, and ensuring chemicals entering the marketplace are reviewed for safety. In just one year, EPA made immense progress on these fronts, and the American people have seen real, tangible results.



## AIR: Improve Air Quality

### Clean Power Plan

The Clean Power Plan (CPP) appears to have far exceeded the Agency's statutory authority, while imposing massive regulatory burdens on affordable energy for hardworking American families. The U.S. Supreme Court issued an unprecedented stay of the rule in 2016. After calls for a review in President Trump's Energy Independence Executive Order, Administrator Pruitt proposed a repeal of the CPP on October 10, 2017. EPA's proposed action on CPP is estimated to save the U.S. economy up to \$33 billion in avoided compliance costs.

As part of the ongoing repeal process, the Agency heard directly from stakeholders and citizens most impacted by the rule, including a listening session in Charleston, West Virginia – the heart of coal country. Three additional listening sessions took place in Kansas City, Missouri; San Francisco, California; and Gillette, Wyoming.

**"Consistent with our commitment to the rule of law, we've already set in motion an assessment of the previous administration's questionable legal basis in our proposed repeal of the Clean Power Plan. With a clean slate, we can now move forward to provide regulatory certainty. It ensures adequate and early opportunity for public comment from all stakeholders about next steps the Agency might take to limit greenhouse gases from stationary sources, in a way that properly stays within the law, and the bounds of the authority provided to EPA by Congress."**

**- EPA Administrator Scott Pruitt**

In a separate but related action, EPA issued an Advance Notice of Proposed Rulemaking to solicit information from the public about a potential new rule regulating greenhouse gas emissions from power plants consistent with the Clean Air Act and proper relations between EPA and the states.

### Ozone

EPA is committed to prioritizing air quality improvements and partnering with states to ensure more Americans are living and working in areas that meet our nation's stringent air quality standards. Under current measurements, roughly 40 percent of the nation fails to meet attainment standards set under the National Ambient Air Quality Standards (NAAQS). Under Administrator Pruitt's leadership, EPA is working with states to develop air quality plans and address underlying technical issues. In November 2017, consistent with Administrator Pruitt's pledge to be more responsive to local needs, EPA found that more than 2,600 counties – roughly 85 percent of the U.S. – met the stringent 2015 NAAQS for ground-level ozone. The Agency is now working to finalize designations for the remaining areas. Administrator Pruitt also established an Ozone Cooperative Compliance Task Force to develop additional flexibilities for states to comply with ozone standards.

### State Implementation Plans

Rather than work cooperatively with states to implement clean air programs, President Obama's EPA imposed more than 50 FIPs – the equivalent of a top-down mandate – on states. EPA recognizes that states have an enormous role to play in environmental protection and the Agency can improve outcomes through collaboration, not federal dictates. Under Pruitt's leadership, EPA has turned an average of one FIP into a SIP every month. Since March 2017, EPA has worked with states to approve more than 200 SIPs. Under its FY18 – FY19

Agency Priority Goals, EPA, in close collaboration with states, will reduce the number of nonattainment areas by nearly 20 percent.

- During the Obama Administration, more than 50 FIPs were imposed on states, including nearly 20 under the Regional Haze program.
- Under the Trump Administration, with EPA Administrator Pruitt's leadership, EPA has turned at least one FIP into a SIP approximately every month.

#### Renewable Fuel Standard

As directed by the Clean Air Act, EPA finalized volume requirements for the Renewable Fuel Standard (RFS) maintaining renewable fuel volumes at levels comparable to the 2017 standards, recognizing limits to the growth of cellulosic and advanced biofuels, and understanding both market realities and consumer demand. Finalizing these volumes consistent with the statutory timeline helped stabilize the renewable fuels program and provide regulatory certainty.

#### Permitting Reform for New Source Review

Consistent with President Trump's priorities and under Administrator Pruitt's direction, EPA is taking steps to clarify, revise, and streamline preconstruction requirements under the New Source Review (NSR) permitting program. EPA's permitting requirements will no longer stifle a company's ability to invest in the latest and greatest technologies or make continued improvements to their operations. On December 7, 2017, EPA took an important step to achieving this goal by issuing a guidance

memorandum. The memo makes clear that, under current NSR regulations, the Agency is not to "second guess" an owner or operator's analysis, as long as it is done in a manner consistent with NRS requirements. It further clarified that the true environmental impacts of the project – via post-construction actual emissions data – will guide enforcement actions.

#### "Once In Always In" Is Out

In a 1995 memo, EPA established a "once in always in" policy that required any facility subject to major source standards for hazardous air pollutants to always remain subject to those standards, even if production processes changed or controls were implemented that eliminated or permanently reduced that facility's potential to emit hazardous air pollutants. This policy served as a disincentive for efforts to improve air quality and was also inconsistent with the Clean Air Act.

**"This guidance is based on a plain language reading of the statute that is in line with EPA's guidance for other provisions of the Clean Air Act. It will reduce regulatory burden for industries and the states, while continuing to ensure stringent and effective controls on hazardous air pollutants."**

**- EPA's Office of Air and Radiation  
Assistant Administrator Bill Wehrum**

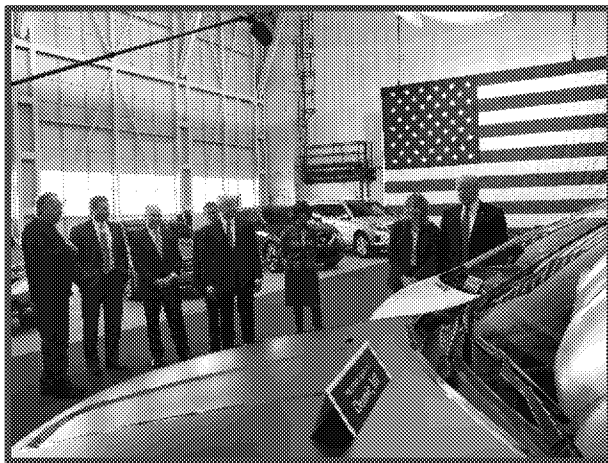
EPA issued a guidance memorandum in January 2018 withdrawing the "once in always in" policy. The memo from EPA's Office of Air and Radiation Assistant Administrator Bill Wehrum finds that EPA had no statutory authority under the Clean Air Act to place a time limit on when a facility may be determined to be an area source. Under the Clean Air Act, facilities can be reclassified as "area" (minor) sources once their potential to

emit hazardous air pollutants falls below the levels that define major sources. This action represents another major step by EPA to reduce burdens that deterred a core mission: improving air quality.

#### National Program for Greenhouse Gas Emissions and Fuel Economy Standards

EPA has taken multiple steps over the past year to review the regulatory overreach of the previous administration in the transportation sector.

Alongside U.S. Department of Transportation (DOT) Secretary Elaine Chao, Administrator Pruitt announced the agencies' intentions to reestablish the original timeline for public input for the Midterm Evaluation (MTE). This process is a key to assessing the appropriateness of the previous administration's standards for greenhouse gases and fuel economy for light-duty vehicles for Model Years 2022-2025. Under Administrator Pruitt's leadership, forward-looking actions will ensure that the program is beneficial for both consumers and the environment.



Administrator Pruitt traveled to Ypsilanti, Mich. with DOT Secretary Chao and President Trump to discuss CAFE standards.

EPA also reviewed, and then issued, a proposal to undo the regulatory overreach of the Phase II Fuel Efficiency Standards for medium- and

heavy-duty trucks as applied to the glider industry. Gliders are a specially manufactured type of heavy-duty highway vehicle. Proposing to repeal this provision is a direct result of Administrator Pruitt's commitment to regulate consistent with the rule of law as the previous administration's rule for gliders did not comply with the Clean Air Act.

#### Carbon Neutrality for Biomass

As directed by Congress and in conjunction with President Trump's Executive Order "Promoting Energy Independence and Economic Growth," a multi-agency effort has been initiated between EPA, the U.S. Department of Energy, and U.S. Department of Agriculture to establish a mechanism for federal cooperation and consistency on the use of biomass. EPA is working to develop a range of options in accordance with a carbon-neutral policy for biomass from forests and other lands and sectors as part of its ongoing review of the Clean Air Act permitting programs. Incorporating these sources into an "all of the above" energy portfolio will ensure biomass plays a key role in addressing the energy needs of the U.S. in an economically and environmentally beneficial way.

**"For years, the federal government rendered most U.S. forestry producers ineligible for federal procurement projects and created confusion around biomass carbon neutrality. EPA is focused on clarifying regulations that were encumbering the industry."**

**- EPA Administrator Scott Pruitt**

## **WATER: Provide for Clean and Safe Water**

### **Waters of the United States (WOTUS)**

On February 28, 2017, President Donald Trump issued an Executive Order directing EPA and the U.S. Army Corps of Engineers (Army Corps) to review this issue. Within a few months, the agencies proposed a rule to rescind the 2015 "Waters of the United States" rule to provide regulatory certainty to American farmers, landowners, and businesses, and put an end to one-size-fits-all regulations from Washington.

**"We are taking significant action to return power to the states and provide regulatory certainty to our nation's farmers and businesses. This is the first step in the two-step process to redefine 'Waters of the U.S.' and we are committed to moving through this re-evaluation to quickly provide regulatory certainty, in a way that is thoughtful, transparent, and collaborative with other agencies and the public."**

**- EPA Administrator Scott Pruitt**

In the interim, EPA and the Army Corps finalized a rule to postpone the applicability date of the 2015 WOTUS rule until February 6, 2020. This postponement provides regulatory certainty, will allow EPA to reevaluate the 2015 rule, and ensure the status quo is maintained until that process is complete.



Administrator Pruitt addresses members of the Tennessee Farm Bureau in Franklin, Tenn.



Administrator Pruitt talks with members of Nevada, Iowa Future Farmers of America.

### **Water Infrastructure**

Our nation's water infrastructure is in dire need of repair. Roughly 700 water main breaks occur across the U.S. every day – over 200,000 annually. Not surprisingly, the American Society of Civil Engineers gave our nation's drinking water, wastewater, and hazardous waste infrastructure a "D" grade.

Then there's the problem of lead in our drinking water. EPA has taken important steps to support the State of Michigan in Flint's recovery and improve water infrastructure across the nation.

#### *Flint, Michigan*

In March 2017, EPA awarded a \$100 million grant to the Michigan Department of Environmental Quality to accelerate and expand its work to replace lead service lines and make other critical infrastructure improvements. Later in the year, EPA completed a periodic review of Michigan's drinking water program and released a report identifying key steps the state should take to ensure they are providing safe and clean drinking water.

In addition, EPA concurred with Michigan's plans to forgive Flint's past drinking water debt. Over the past year, EPA has worked in

partnership with the State of Michigan and the City of Flint to ensure that water quality continues to improve. This partnership has produced one of the most robust drinking water data sets in the country. EPA remains committed to working closely with the State of Michigan, Flint and local partners to protect public health and ensure that Flint's water quality continues to remain safe to drink.

### **BY THE NUMBERS:**

**\$100 Million** grant to Michigan Department of Environmental Quality

**\$1 Billion** will be leveraged from WIFIA loans for water infrastructure upgrades

**\$5.1 Billion** in total water infrastructure investment estimated to be spurred from EPA grants and loans

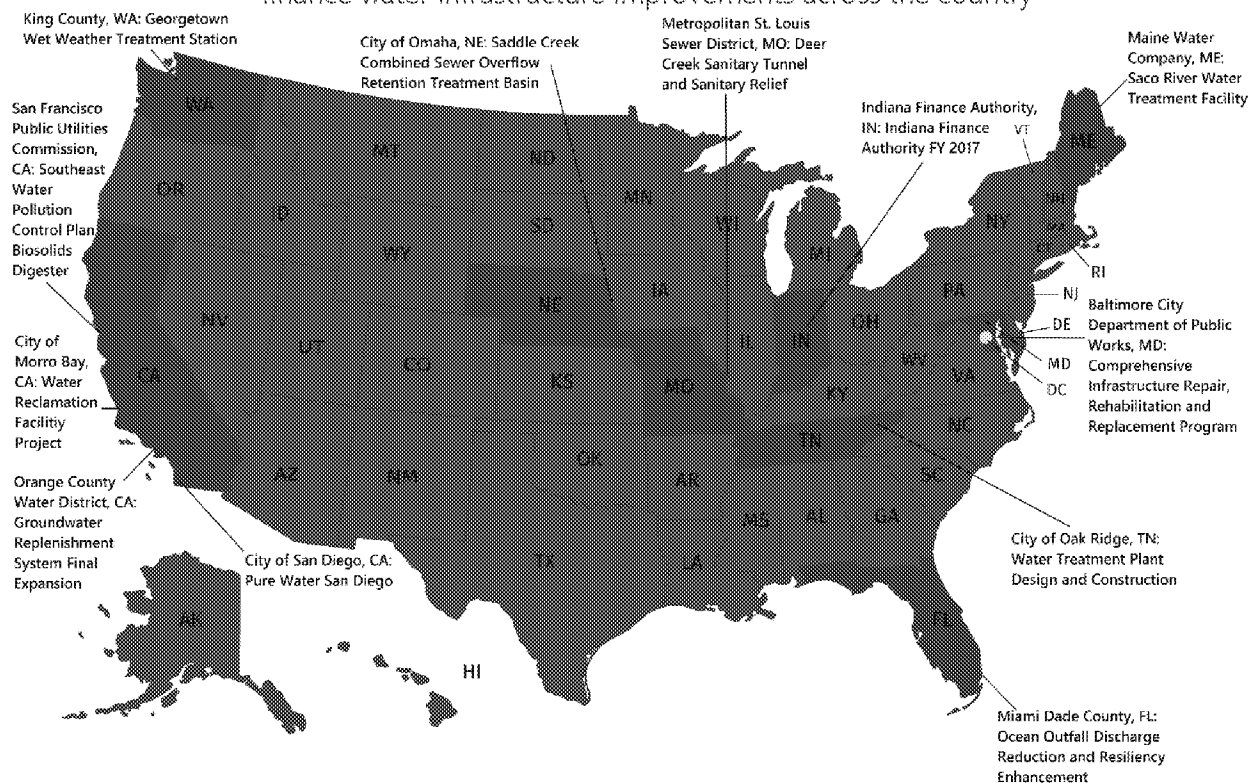
### *WIFIA*

Critical to improving the nation's water infrastructure is the Water Infrastructure Finance and Innovation Act (WIFIA). The selected projects – once finalized – will leverage more than \$1 billion in private capital and other funding sources, including EPA's State Revolving Fund (SRF) loans, to help finance a total of \$5.1 billion in water infrastructure investments.

### Stream Electric Effluent Limitations Guidelines Rule

After careful reconsideration, EPA finalized a rule postponing certain compliance dates by two years for the effluent limitations guidelines and standards for steam electric power plants under the Clean Water Act. It had been estimated to cost an average of \$480 million annually including \$1.2 billion annually during the first five years of compliance.

From wastewater and drinking water to storm water and water recycling projects, WIFIA loans will finance water infrastructure improvements across the country



## LAND: Revitalize Land for Reuse

### Superfund

The number of toxic sites being added to EPA's National Priorities List (NPL) has increased under every administration since the first list was released under President Ronald Reagan. By the end of 2018, EPA will be on track to delete from the NPL, in whole or part, over 20 Superfund sites.

Ensuring the Superfund program and EPA's land and water cleanup efforts operate effectively and efficiently is a cornerstone of the Agency's core mission. In elevating EPA's focus on Superfund cleanup, Administrator Pruitt created a Superfund Task Force – comprised of Agency experts from the Office of Land and Emergency Management, Office of Enforcement and Compliance Assurance, Office of General Counsel, and Regional Offices – to streamline and improve the program.

Within a few months, the Superfund Task Force released its report providing 42 specific and detailed recommendations under the following overarching goals:

1. **Expediting Cleanup and Remediation**
2. **Re-Invigorating Responsible Party Cleanup and Reuse**
3. **Encouraging Private Investment**
4. **Promoting Redevelopment and Community Revitalization**
5. **Engaging Partners and Stakeholders**

Following the recommendations of the Superfund Task Force, Administrator Pruitt released two dynamic lists of Superfund sites on the NPL including an initial set of 21 sites targeted for immediate and intense attention and 31 sites with the greatest expected redevelopment and commercial potential.

#### East Chicago, Indiana:

As one of his first acts in office, Administrator Pruitt visited the USS Lead Superfund Site in East Chicago, Ind., a site that was listed on the NPL in 2009. In meetings with East Chicago residents, and federal, state, and local offices, he pledged improved coordination and communications as cleanup continues. The site is now on Administrator Pruitt's list of sites targeted for immediate and intense action.

#### West Lake, Missouri:

On February 1, 2018, after decades of inaction, EPA put forth its proposed plan to clean up the West Lake Landfill, a dumping ground for radioactive waste from the Manhattan Project. The plan calls for the removal of a majority of the most radiologically impacted material.

"We've gone without a decision at the site for 10 years, and it's time that we have direction," said Karen Nickel of the Just Moms St. Louis advocacy group. ([St. Louis' CBS Radio](#), 02/01/18)

#### San Jacinto, Texas:

The cleanup plan to address highly toxic dioxin contamination at the San Jacinto Waste Pits Superfund site in Harris County was approved by Administrator Pruitt in the fall of 2017. By permanently addressing risks posed by the contamination, the plan provides certainty to both people living near the site and economic interests, including the businesses that rely on the San Jacinto River for navigation and the Interstate-10 transportation corridor.

"Not long after Hurricane Harvey battered Houston last summer, Environmental Protection Agency Administrator Scott Pruitt stood on the banks of the San Jacinto River and surveyed a decades-old toxic waste site as divers checked whether the storm had unearthed dangerous chemicals. Days later, he ordered two corporations to spend \$115 million to excavate the contamination rather than leaving it covered." ([Washington Post](#), 01/23/18)

The first Superfund list includes sites that will benefit from Administrator Pruitt's direct engagement and have identifiable actions to protect human health and the environment. These are sites requiring timely resolution of specific issues to expedite cleanup and redevelopment efforts. Ultimately, this list is designed to spur action at sites where opportunities exist to act quickly and comprehensively.

Superfund redevelopment will help countless communities reclaim and reuse thousands of acres of formerly contaminated land. The redevelopment list easily directs interested developers and potential owners to some Superfund sites with redevelopment potential.

In 2017, EPA completed deletion activities at seven sites on the Superfund NPL in Administrator Pruitt's first year, up from two in 2016. These sites, spanning from Minnesota and Massachusetts to Wyoming and Nebraska, reflect Administrator Pruitt's commitment to accelerating progress, reducing risks at Superfund sites, and returning sites to productive use.

#### CERCLA Hardrock Mining

In January 2017, the previous administration proposed regulations under section 108(b) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) that would have imposed additional financial responsibility requirements on certain hardrock mining facilities. After careful analysis of nearly 11,000 public comments, EPA announced in December 2017 that it would not finalize the proposed requirements. The risks associated with these facilities' operations are already addressed by existing federal and state programs and requirements and industry practice. Finalizing these requirements would have cost American businesses and the mining industry up to \$171 million annually.

**"I urged then President-elect Trump to stop the EPA's overreach into state regulation harming Montana businesses. Instead of threatening the very industries that are a backbone of our Western economies, we need to support American families and American businesses to secure our mineral and energy independence. I am pleased the EPA has taken action."**

**- U.S. Senate Western Caucus  
Chairman Steve Daines (R-MT)**

#### Coal Ash

EPA's core mission reflects the belief that states play an integral role in environmental protection. In keeping with this notion, Administrator Pruitt provided Agency guidance to states for implementing state permitting programs to manage the safe disposal of coal combustion residuals (CCR), also known as "coal ash." The new state permitting authority – included in the Water Infrastructure Improvements for the Nation Act – allows flexibility in individual CCR permits that better reflect their environment and the continued beneficial use of coal ash.

EPA released this guidance to help states develop and submit permit programs that will put more states on track to obtain EPA approval of their CCR permitting program. The guidance outlines a framework of EPA's expected approval process and also provides checklists to aid states as they develop their programs.

## CHEMICALS: Ensure Safety of Chemicals

### Implemented the Updated Toxic Substances Control Act

EPA is working diligently to properly implement the 2016 Frank R. Lautenberg Chemical Safety for the 21st Century Act, which amended the Toxic Substances Control Act (TSCA), and ensure that the most modern and safe chemicals get to market quickly in order to provide regulatory certainty for manufacturers and confidence for American consumers.

Under the Lautenberg Chemical Safety Act – the first major update to an environmental statute in 20 years – EPA is responsible for reviewing and approving the safety of new chemicals intent on entering the U.S. marketplace. When Administrator Pruitt was confirmed, over 600 new chemicals were stuck in review. Within four months of being confirmed, EPA halved the backlog of new chemical submissions being reviewed under TSCA, and by August, Administrator Pruitt effectively eliminated the backlog.

In addition, EPA exceeded expectations and met its statutory responsibilities under TSCA on time and the one-year anniversary of the Lautenberg Chemical Safety Act. This included issuing three new framework rules, providing a guidance document for external parties, and releasing the scoping documents for the first 10 risk evaluations, under a reformed TSCA.

### Chlorpyrifos

In 2007, EPA received a petition asking the Agency to revoke the tolerances for the pesticide chlorpyrifos. In March 2017, EPA denied the petition citing that: the Ninth Circuit would not provide additional time to review the issue; there were divergent views from cabinet departments; and the scheduled FIFRA

pesticide review process would be transparent, and allow more time to further evaluate the science.

On July 18, 2017, the Ninth Circuit ruled in EPA's favor, refusing to short-circuit the process established by Congress to challenge a denial of a petition to revoke a tolerance, affording EPA additional time to conduct a proper evaluation of the science and the studies on chlorpyrifos and provide greater certainty about the pesticide's safety to the American people.

### Dicamba

On October 13, 2017, EPA reached an agreement with manufacturers on measures to further minimize the potential for dicamba drift to damage neighboring crops. New requirements for the use of dicamba "over the top" (application to growing plants) will allow farmers to make informed choices for seed purchases for the 2018 growing season. EPA worked cooperatively with states, land-grant universities, and pesticide manufacturers to examine the underlying causes of recent crop damage in certain regions and reach an agreement that will provide regulatory certainty for farmers.

### **TSCA MILESTONES:**

- ✓ Swiftly implemented the Lautenberg Chemical Safety Act updates to TSCA
- ✓ Finalized 3 new framework rules
- ✓ Released scoping documents for first 10 risk evaluations
- ✓ Provided guidance on risk evaluation process
- ✓ Proposed final framework rule on TSCA fees

## ENFORCEMENT

Enforcement of environmental protection laws is sustained by collaborative efforts of states, businesses, private citizens, and federal agencies like EPA. Within the last year, Administrator Pruitt implemented a two-pronged approach to enforcement: 1) ensuring the regulated community understands and complies with the law, and 2) vigorously holding bad actors accountable. This was achieved through a wide range of enforcement tools, including: compliance assistance, civil actions, administrative actions, informal actions, work-sharing with states, criminal fines, and incarceration where appropriate.

### The Seattle Times

Amazon, EPA Reach \$1.2 Million Settlement  
Over Online Sales of Illegal Pesticides

*"Seattle-based Amazon has agreed to pay more than \$1.2 million in administrative penalties as part of an agreement with the U.S. Environmental Protection Agency that the agency says will protect consumers from hazards of illegal and misbranded pesticides sold by the online retail giant ...*

*"The penalty was one of the largest ever of its kind by the agency ...*

*"[A]s a result of the settlement, Amazon has indicated it is now 'committed to closely monitoring and removing illegal pesticides from its website,' [EPA Region 10 Administrator Chris] Hladick said in the agency's news release."*

## BY THE NUMBERS:

From January 20, 2017 through the end of FY17, EPA and the U.S. Department of Justice imposed:

- ✓ More than \$1.72 billion in civil penalties, cost recovery, natural resource damages, and other monetary recoveries;
- ✓ More than \$2.91 billion in criminal fines, restitution, and other assessments; and
- ✓ More than \$3.13 billion in injunctive relief and environmental mitigation projects.

Enforcement Actions Announced Since Close of FY17:

- ✓ ExxonMobil: \$300 million air pollution settlement with Exxon, 10/31/17
- ✓ PDC Energy: EPA, Colorado reached \$21 million-plus settlement with PDC, 10/31/17
- ✓ Indiana Harbor Coke Company: Settled with EPA and agreed to reduce annual emissions of pollutants from their coke ovens by 2,075 tons, 1/25/18
- ✓ Superfunds: In one case, EPA held 40 parties responsible to finance and perform a \$51.5 million EPA-approved cleanup, 10/13/17
- ✓ Silver Bow Creek Butte Area Superfund site: Reached an agreement in principle with responsible parties after languishing on the NPL for more than 35 years, 1/26/18
- ✓ Middletown, Ohio: EPA entered into agreement with the city to address the discharge of millions of gallons untreated sewage into the Great Miami River and Hydraulic Canal, 2/12/18

## Cooperative Federalism and Public Participation

Under Administrator Pruitt's leadership, states are once again being treated as partners in efforts to protect the environment. In his first year, Administrator Pruitt worked to empower state and local partners to develop regulations that achieve positive environmental outcomes. Putting his words into action, Administrator Pruitt got out of Washington and heard directly from stakeholders in 30 states and territories.



### Enhanced Shared Accountability

Governor Steve Bullock (D-MT): "The change in the federal administration offers us as governors the opportunity to develop new relationships and to build stronger state and federal relationships."



Administrator Pruitt meets with the bipartisan Western Governors Association with U.S. Department of Labor Secretary Alexander Acosta and U.S. Department of the Interior Secretary Ryan Zinke.



Governor Rick Scott (R-FL): "It is great to have a partner in Administrator Pruitt and the Trump Administration and I am glad to see their focus on protecting Florida's environment for future generations."

Governor Mark Dayton (D-MN): "Gov. Mark Dayton described a meeting Wednesday with EPA Administrator Scott Pruitt as 'productive and cordial' and said he's hopeful the Trump administration will eliminate some of the federal government red tape dealt to state agencies. 'We don't believe we need to be micromanaged by Region 5 in Chicago,' Dayton said during a news conference following a meeting at the Capitol that lasted more than an hour."

Governor Kim Reynolds (R-IA): "The governor said Pruitt indicated the new regulations would define what areas are not under federal jurisdiction. A court suspended the 'Waters of the U.S.' rules written by the Obama Administration before they took effect, but Reynolds said farmers delayed conservation measures and other land improvements because of the uncertainty about what might come next, which 'Dramatically had an impact on our ability to move forward with conservation practices for not only water quality, for soil health,' she said."

Leader Mitch McConnell (R-KY): "It's great to have an administrator of the EPA," McConnell said as he introduced Pruitt, "who's not afraid to come to Kentucky."



Administrator Pruitt hosts U.S. Department of Housing and Urban Development Secretary Ben Carson, U.S. Department of Labor Secretary Alexander Acosta, U.S. Department of Health and Human Services Deputy Secretary Eric Hargan and other members of the *President's Task Force on Environmental Risks and Safety Risks to Children* to address childhood lead exposure.

## Stakeholder Engagement

### Smart Sectors

In October 2017, EPA launched Smart Sectors, a voluntary partnership program between the Agency and regulated sectors that takes a collaborative approach to consider more forward-thinking ways to protect the environment and provide regulatory certainty. Since the program's official launch, the Smart Sectors team met with over 80 trade associations, companies, or stakeholder groups. The team conducted seven informational site visits with a variety of sectors including ports, iron and steel, oil and gas, chemical manufacturing, and agriculture and has many site visits planned for 2018. The Smart Sectors program maintains open dialogue with these partners and their environmental committees and is developing reports that profile the impact of each sector on the environment and the economy.



"The American Wood Council supports a smarter, more sensible and cost-effective regulatory process, such as the approach taken by EPA's Smart Sectors Program."

- Robert Glowinski, President and CEO of the American Wood Council

### Grants

EPA awards over \$4 billion grants annually to states, tribes, and local communities. In FY17:

- ✓ \$20.2 million was provided through National Estuary Program grants to 32 communities
- ✓ \$56.8 million in Brownfields grants to 172 communities for revitalizing land
- ✓ \$33 million Clean Diesel Program grants to 72 communities

## HEADLINES & HIGHLIGHTS

- ✓ EPA awarded \$1.2 million in competitive grants to 36 local-based community and tribal organizations for community-driven solutions to local health and environmental issues in minority, low-income, and tribal communities.
- ✓ EPA Announces \$7.2 Million in Brownfields Grants to Promote Economic Redevelopment Across the Pacific Southwest
- ✓ EPA Awards \$2.6 Million to Cut Diesel Emissions in New York and New Jersey
- ✓ EPA Awards \$4.4 Million to Restore Lake Champlain and Protect Against Harmful Algal Blooms
- ✓ EPA Awards \$173.5 million for California Drinking Water and Wastewater Projects
- ✓ EPA Awards \$32 Million for Tribal Environmental Programs in Alaska and the Pacific Northwest

## Natural Disaster Preparedness, Response and Recovery

Throughout 2017, EPA worked closely with states and territories to prepare for and respond to a number of natural disasters including: Hurricanes Harvey, Irma, and Maria, and catastrophic wildfires in the West.

As a result of the continuing impacts on Gulf Coast-area refineries and disruption to the fuel distribution system caused by the 2017 hurricanes, Administrator Pruitt acted quickly to exercise EPA's emergency fuel waiver authority to help ensure adequate supply of fuel throughout the country by approving emergency fuel waivers for 38 states, Washington, D.C., and Puerto Rico. Governors across the country praised EPA's quick actions, which ensured there was no disruption in the fuel supply for power generators, evacuations and emergency response efforts.



Administrator Pruitt traveled to Houston, Texas to review the Agency's response efforts and meet with stakeholders monitoring cleanup efforts at the San Jacinto Waste Pits Superfund site (pictured above).

In the aftermath of Hurricane Maria, Administrator Pruitt joined President Trump in Puerto Rico to review the Agency's response efforts. EPA focused its efforts on environmental impacts and potential threats to human health in the affected areas by coordinating with local governments in Puerto Rico and U.S. Virgin Islands (USVI) to assess the conditions of drinking water, which includes sampling, analysis and lab support, and getting wastewater treatment systems up and running.

## STATS AT A GLANCE

### Hurricane Harvey:

- ✓ Conducted on-site assessments at approximately 625 drinking water and 440 wastewater treatment facilities
- ✓ Collected more than 1,000 orphan containers, which included drums and tanks found floated in or washed up near waterways
- ✓ Safely disposed of over 20 million cubic yards of debris

### Hurricane Irma:

- ✓ Reviewed and secured 23 Superfund sites in Puerto Rico and USVI and 80 sites from Miami to North Carolina
- ✓ Extended fuel waiver for 38 states and D.C.

### Hurricane Maria:

- ✓ Completed over 1,000 drinking water assessments in USVI
- ✓ Collected more than 225,000 items of household hazardous waste, goods and electronic waste in Puerto Rico and USVI
- ✓ Assessed close to 400 vessels in Puerto Rico and 500 in USVI with the U.S. Coast Guard



**Rick Scott**  
@FLGovScott

Following



.@EPA has approved an emergency fuel waiver, allowing more fuel to enter FL quickly for #HurricaneIrma prep: [bit.ly/2j6apgC](https://bit.ly/2j6apgC)

9:14 PM · 6 Sep 2017

## Rule of Law

### Agency Reform

#### Sue and Settle

Over the years, special interest groups skirted the regulatory process by using lawsuits that seek to force federal agencies – especially EPA – to issue regulations that advance their interests and priorities, on their specified timeframe. During this process, known as “sue and settle,” EPA would get sued by an outside party that asked the court to compel the Agency to take certain steps, either through change in a statutory duty or enforcing timelines set by the law, and then EPA would acquiesce through a consent decree or settlement agreement, affecting the Agency’s obligations under the statute.

**“The days of regulation through litigation are over. We will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the Agency by special interest groups where doing so would circumvent the regulatory process set forth by Congress. Additionally, gone are the days of routinely paying tens of thousands of dollars in attorney’s fees to these groups with which we swiftly settle.”**

**- EPA Administrator Scott Pruitt**

“Sue and settle” cases establish Agency obligations without participation by states and/or the regulated community; foreclose meaningful public participation in rulemaking; effectively force the Agency to reach certain regulatory outcomes; and, cost the American taxpayer millions of dollars.

In fulfilling his promise to end the practice of regulation through litigation that has harmed

the American public, EPA Administrator Pruitt issued an Agency-wide directive in October 2017 designed to end “sue and settle” practices within the Agency, providing an unprecedented level of public participation and transparency in EPA litigation, in addition to consent decrees and settlement agreements.

#### Advisory Committees

EPA’s Federal Advisory Committees (FACs) provide invaluable, independent scientific advice to the Agency. However, according to EPA calculations, in just three years, members of three of EPA’s FACs – the Science Advisory Board (SAB), Clean Air Scientific Advisory Committee (CASAC), and the Board of Scientific Counselors (BOSC) – received upwards of \$77 million in direct EPA grant funding while concurrently serving on these committees.

Administrator Pruitt’s directive ensures that EPA’s FACs provide a diverse and independent range of perspectives. Members serving on an EPA FAC shall not simultaneously receive grants from the Agency. In addition, Administrator Pruitt called for more geographic diversity, more frequent rotation in membership, and greater involvement by state, local, and tribal officials. The new membership for SAB, CASAC, and BOSC hails from over 40 states and D.C., compared to the prior total of 30 states and D.C. EPA received more than 700 applications from interested individuals throughout the country to serve on EPA’s science boards.

## Media Highlights

### EDITORIALS

The Wall Street Journal: Pruitt's ends sue and settle practices also known as 'extortion by environmental lawsuit.' "Scott Pruitt continues to press reform at the Environmental Protection Agency, this week issuing a directive to curb the collusive Washington game of "sue and settle" lawsuits. This is a victory for democratic consent over legal extortion." (10/18/17)

The Wall Street Journal: Pruitt's clean power break. "The Trump Administration is giving the economy a boost with its deregulatory agenda, and the latest example comes Tuesday when Environmental Protection Agency chief Scott Pruitt will propose to repeal the Obama Administration's Clean Power Plan. Ending this power grab will uphold the letter of the law and restore cooperative federalism with the states." (10/08/17)

Washington Examiner: Praise for Pruitt's commitment to the Agency's core mission. "We applaud Pruitt's mission of restoring the EPA to its proper shape and size. And we hope he has the humility, the diligence, and the skill to pull it off, for the sake of the Constitution, the economy, and the environment." (09/18/17)



Denver Post: Pruitt Right to Pursue Funds for Gold King Mine Victims. "Scott Pruitt, head of the Environmental Protection Agency, is doing the right thing in his efforts to make whole the victims of the Gold King Mine spill that spewed 3 million of gallons of toxic water into the Animas River and downstream to New Mexico." (08/18/17)

Tulsa World: Pruitt gets out of Washington and 'talks to ordinary Americans.' "We prefer it when the people at the top of the nation's bureaucratic pyramid get out of the Beltway once in a while to talk to ordinary Americans. If Pruitt is coming home to see his friends, family, neighbors and some of the people he regulates, then good for him. That sounds like the acts of a balanced man who wants to know the thinking of the public, not just the pro-regulation lobbyists." (07/30/17)

The Oklahoman: Pruitt meets with stakeholders, including energy industry. "...the fact Pruitt regularly corresponded and dealt with energy industry officials as attorney general of a state where energy is the No. 1 industry should not be surprising nor should it, by itself, be considered nefarious." (06/21/17)

The Wall Street Journal: Cleaning up the Superfund mess. "One cost of making climate change a religion is that more immediate environmental problems have been ignored—not least by the Environmental Protection Agency. New EPA Administrator Scott Pruitt plans to address that in an underreported effort to clean up toxic waste sites under the so-called Superfund program." (06/12/17)

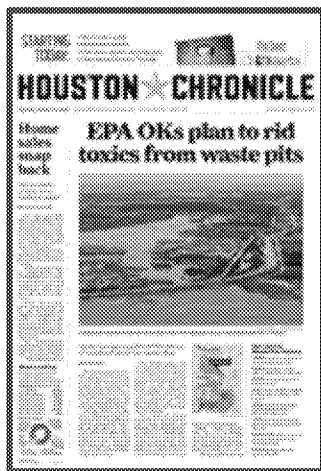
The Wall Street Journal: Highway from the endangerment zone. "Mr. Pruitt is a natural target for the left, but when conservatives are impugning one of the leaders of President Trump's economic deregulation project as a

sellout, maybe the problem is the critics, not Mr. Pruitt." (04/18/17)

Tulsa World: Congratulations, Scott Pruitt. "Pruitt is a serious, intelligent man who has worked hard for the people of Oklahoma. Like most Oklahomans, he is a genuine conservative. He has taken seriously his promises to voters that he would resist federal intrusions on state authority and personal freedom, and anyone who is surprised by that must not have been paying attention." (02/21/17)

### ADMINISTRATOR PRUITT'S OP-EDs

USA Today: Clean air, land and water: Time for the EPA to start keeping its promises. "A few months ago, I promised the people of Missouri that I would make a decision and propose a cleanup plan for the West Lake Landfill. Recently, I made good on that commitment. On Feb. 1, the Environmental Protection Agency put forth its plan to clean up the West Lake Landfill ... In less than a year, this administration will solve a problem that previous administrations could not fix in the years since 1990, when the site was added to the Superfund priorities list." (02/14/18)



The Washington Times: Paving the path to U.S. energy dominance. "An energy-dominant America will export to markets around the world, increasing our global leadership and

influence. Becoming energy dominant means that we are getting government out of the way so that we can share our energy wealth with developing nations. For years, Washington stood in the way of our energy dominance. That changes now." (06/26/17)

The Washington Times: EPA is putting American workers first. "Americans who want a healthy and clean environment expect lawful, effective and economically sound regulation — the Clean Power Plan failed on all three counts. EPA can and should now focus on getting real results in the fight for clean air, land and water." (05/01/17)

USA Today: We're protecting jobs and the environment. "There's a phrase I've used often over the past several weeks — 'The future ain't what it used to be.' After my first full month serving as administrator to the Environmental Protection Agency, there's no question times are changing..." (03/20/17)

### NATIONAL TV

Christian Broadcast Network: Unraveling the 'Weaponization' of the EPA is Top Priority for Scott Pruitt. "Actions taken by the executive branch were really actions that the legislative branch should have been taking or addressing and it impacted liberty," said Pruitt. "When you declare a 'war on coal' from a regulatory perspective, the question has to be asked: where's that in the statute? Where did Congress empower the EPA to declare a war on coal? ... There's a role for the EPA. There's a very important role for the agency. The problem is in the last several years that role has been morphed into something it's not," he added." (02/26/18)

Fox News' Justice with Judge Jeanine: Scott Pruitt talks changes to the EPA under Trump. "When you think about the last year, \$8 billion in cost savings with the deregulatory effort

Administration-wide. In our agency alone, \$1 billion of cost savings." (02/24/18)

CBS Evening News: Pruitt discussed the role of the EPA. "We should be about administering the statutes we're required to administer, but we shouldn't come in and say that the way forward in environmental protection is prohibition vs. stewardship. We can feed the world and we can power the world, and we should do that." (01/18/18)

Reuters TV: Trump's EPA aims to replace Obama-era climate, water regulations in 2018. "[Pruitt] said the agency was also planning to rewrite the Waters of the United States rule, another Obama-era regulation, this one defining which U.S. waterways are protected under federal law. Pruitt and Trump have said the rule marked an overreach by including streams that are shallow, narrow, or sometimes completely dry - and was choking off energy development." (01/08/18)

MSNBC's Morning Joe: Pruitt said the Paris agreement put our economy at a disadvantage. "When you look at what was agreed to in Paris, it put this country, our country, at a disadvantage economically." (06/07/17)

NBC's Meet the Press: Scott Pruitt: American carbon reductions predate Paris Climate Deal. "Paris is a bad deal for this country." (06/05/17)

ABC's This Week: Pruitt discussed how small businesses across the country are celebrating President Trump's decision to pull out of the Paris agreement. "Well, when you look at, even *The New York Times* had an article, I think, within the last couple of days that talked about small business celebrating, euphoria with respect to the president's decision." (06/04/17)

Fox News Sunday: Pruitt explained how the U.S. is the energy technology leader of the world. "'If China and India want to reduce their CO2 footprint, they should learn from us,' Pruitt told Fox News' Chris Wallace." (06/04/17)

CNBC: EPA takes aim at CAFE standards. "We can be both pro-growth, pro-jobs and pro-environment, says Scott Pruitt, EPA administrator, discussing the agency's new agenda and plans to roll back regulations and tackle fuel standards." (03/09/17)

## NATIONAL PRINT

GO Magazine: The 50 Most Powerful People in Trump's Washington. "#5 EPA Administrator Scott Pruitt: In a Cabinet that doesn't get much done, Pruitt has been dangerously effective." (02/22/18)

Wall Street Journal: Pruitt said West Lake sends a results-driven message. "'This sends a message that we're actually going to get results,' Mr. Pruitt said. 'Frankly it's just what we ought to be doing.'" (02/01/18)

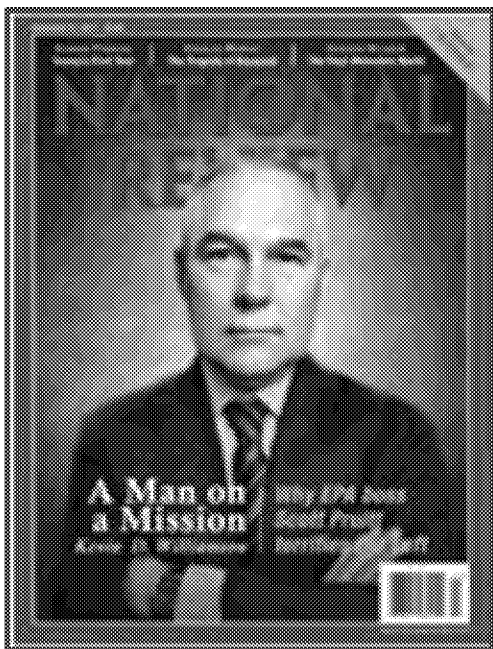
Washington Examiner: EPA's Scott Pruitt declares 'war on lead.' "EPA Administrator Scott Pruitt has begun an effort to 'eradicate' lead poisoning from drinking water, more than three years after the crisis in Flint, Michigan, started. Pruitt hosted a meeting Jan. 8 for state and local officials at agency headquarters in Washington to obtain feedback on ways to update the 1991 Lead and Copper Rule ... It has not been revised in more than a decade." (01/23/18)

Wall Street Journal: Pruitt aims to accelerate his efforts to remake the EPA. "Environmental Protection Agency chief Scott Pruitt plans to use his second year on the job to accelerate efforts to remake the agency, saying he wants to speed its permitting processes and

transform a culture he says is bureaucratic.” (01/17/18)

E&E News: Pruitt Meets with Moms Clean Air Force. Dominique Browning ... co-founder and senior director of Moms Clean Air Force, along with other officials from her organization, met last week with Pruitt and three members of his staff at EPA’s Washington, D.C., headquarters ... “Browning said her impression of Pruitt was that he is ‘determined’ as well as ‘intense, aggressive and focused. And the other thing on my impression is [he is] really, really smart,’ she added.” (1/15/18)

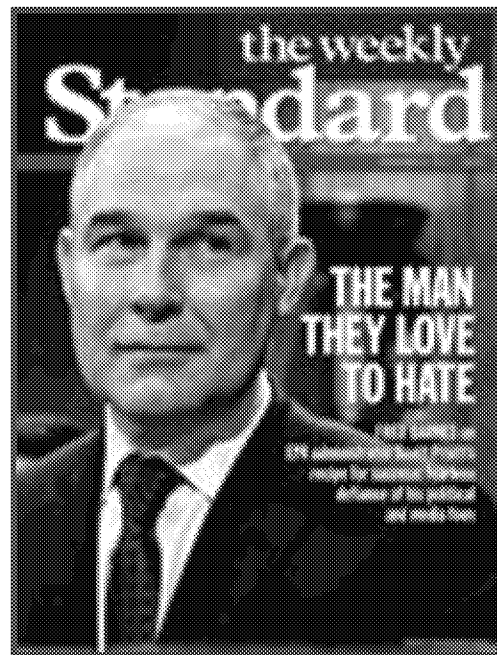
The Hill: EPA staffing falls to Reagan-era levels. “EPA’s staffing is now lower than it was in former President Reagan’s final year in office. An EPA spokeswoman said Tuesday that, as of Jan. 3, the agency had 14,162 employees, down from about 15,000 at the beginning of last year. That’s even lower than the 14,400 employees the agency had in fiscal year 1988, Reagan’s final year.” (01/09/18)



National Review: Scott Pruitt’s Reformation. “Stewardship, Pruitt says, is making responsible use of our national blessings, including our

natural resources: ‘Feed the world and fuel the world,’ he says, over and over. But the Left — and the EPA, which has long been dominated by it — is not interested in stewardship. It’s interested in prohibition, in a lot of Thou shalt and a whole heck of a lot more Thou shalt not. ‘You have two different approaches, two different worldviews, two very different sets of assumptions,’ Pruitt says.” (12/31/17)

The Washington Post: How Scott Pruitt turned the EPA into one of Trump’s most powerful tools. “... aggressiveness on issues from coal waste to vehicle emissions has made Pruitt one of Trump’s most high-profile and consequential Cabinet members. It also has made him one of the most controversial ... Yet, allies praise Pruitt for returning more power to individual states while scaling back what they see as the previous administration’s regulatory excesses.” (12/31/17)



The Weekly Standard: The Man They Love to Hate. “Pruitt lauded the president for his ‘unflinching commitment to put America first’ and followed with what has become the theme of his EPA tenure. The United States does ‘better than anyone in the world in striking the

balance between growing our economy, growing jobs while also being a good steward of our environment,' he said. Between 2000 and 2014, America reduced 'its carbon emissions by 18-plus percent. And this was accomplished not through government mandate, but accomplished through innovation and technology of the American private sector.'" (12/15/17)

Bloomberg: Administrator Pruitt lands on the list of 50 people defining global business in 2017. (11/30/17)

USA Today: Scott Pruitt on a mission to change the climate of the EPA. "He's on a mission to re-engineer the agency's culture by returning power to states and away from the Washington bureaucrats and coastal elites he said have led it astray." (11/26/17)

TIME: Inside Scott Pruitt's Mission to Remake the EPA. "Pruitt has pioneered a radically different approach to environmental regulation, weighing impact on job growth and the concerns of business groups on a level plane with environmental protection when the law allows." (10/26/17)

Bloomberg: EPA's Pruitt Vows to Get Tough on Polluters. "Scott Pruitt, the head of the Environmental Protection Agency, vowed that he will get tough on corporate polluters, dismissing critics who cast him as too cozy with industry. 'They don't know me,' Pruitt said, during an interview with Bloomberg News in his Washington office. 'I've led a grand jury. We are going to do enforcement, to go after bad actors and go after polluters.'" (10/25/17)

The Daily Signal: Trump's EPA Chief Charts a New Course. "My job is to enforce the laws as passed by whom? Congress. They give me my authority. That's the jurisdictional responsibilities that I have, and when litigation

is used to regulate...that's abusive. That's wrong." (10/20/17)

TIME: Administrator Pruitt on Enforcement: "I don't spend any time with polluters. I prosecute polluters." (10/20/17)

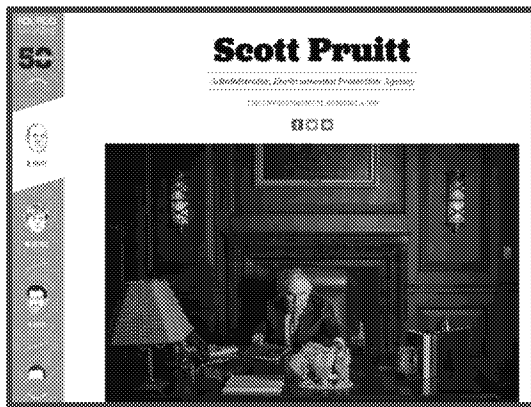
Talking Points Memo: Pruitt Talks About New 'Sue and Settle' Policy. "Pruitt pledged that the agency would no longer reimburse attorneys' fees in cases where it decides to avoid a lawsuit, arguing that both environmental and business groups had abused it to enrich themselves in the past. 'This is not particular to one type of plaintiff,' he said. 'There should be no attorneys' fees paid, period, no matter who the plaintiff is.'" (10/16/17)

Fox News: EPA moves to repeal Obama's Clean Power Plan coal regulations. "'That rule really was about picking winners and losers,' Pruitt said. 'The past administration was unapologetic, they were using every bit of power, authority to use the EPA to pick winners and losers on how we pick electricity in this country. That is wrong.'" (10/09/17)

The New York Times: EPA Announces Repeal of Major Obama-era Carbon Emissions Rule. "Mr. Pruitt, who had signaled the move at an event with coal miners in eastern Kentucky on Monday, said in a news release that his predecessors had departed from regulatory norms in writing the Clean Power Plan, which was finalized in 2015 and would have pushed states to move away from coal in favor of sources of electricity that produce fewer carbon emissions." (10/09/17)

Politico Top 50: #9 Scott Pruitt. "Donald Trump's pledge to unravel Barack Obama's climate agenda may be—in the long run—the single most significant action he takes as president. And there's one man tasked with

turning Trump's rhetoric into reality: Scott Pruitt." (09/01/17)



The Daily Caller: EPA's Scott Pruitt: What was so great about Obama's environmental record? "Everyone looks at the Obama administration as being the environmental savior. Really? He was the environmental savior...Well, he left us with more Superfund sites than when he came in. He had Gold King [the 2015 mine wastewater spill] and Flint, Michigan [drinking water crisis]. He tried to regulate CO2 twice and flunked twice. Struck out. So what's so great about that record? I don't know." (09/13/17)

Washington Examiner: Pruitt advances Back-to-Basics agenda. "Few Trump administration agency chiefs have moved as decisively to implement an agenda as Scott Pruitt, the administrator of the Environmental Protection Agency, and he's quite clear about what he wants to do. He calls it a 'back to the basics' agenda, removing the government from what he considers extraneous activity." (09/13/17)

The Washington Free Beacon: EPA workforce approaching lowest levels since Reagan. "We're giving long-serving, hard-working employees the opportunity to retire early," Pruitt said. "We're proud to report that we're reducing the size of government, protecting taxpayer dollars, and staying true to our core mission of protecting the environment and American jobs." (09/06/17)

The Washington Examiner: Scott Pruitt criticizes Obama as 'environmental savior,' moves EPA away from climate change. "Few Trump administration agency chiefs have moved as decisively to implement an agenda as Scott Pruitt, the administrator of the Environmental Protection Agency, and he's quite clear about what he wants to do. He calls it a 'back to the basics' agenda, removing the government from what he considers extraneous activity — namely, the climate change battle taken up by former President Barack Obama, who he questioned as an "environmental savior." (09/13/17)

Reuters: Pruitt gave a wide-ranging interview about protecting the environment and American jobs. "The past administration was all about words. This administration is all about action. Look at the actions this country has taken. We have reduced our greenhouse gas levels to pre-1994 levels primarily through technology and innovation, not through government mandate. We have nothing to be apologetic about with the rest of the world." (07/11/17)

Wall Street Journal: EPA to Unveil New Chemical Testing Rules. "The Environmental Protection Agency on Thursday will release new rules to clarify the agency's process of testing the chemicals used in everyday products and other commerce, a matter of deep importance to manufacturers, consumers and environmental advocates." (06/22/17)

The Daily Caller: Trump Delays One of the Most Expensive EPA Regulations Ever. "The Trump administration announced Tuesday evening it would delay the implementation of a smog rule that's been called one of the costliest clean air regulations ever." (06/07/17)

The Washington Post: EPA head Scott Pruitt defends Paris exit. "When we joined Paris, the

rest of the world applauded ... because it put this country at disadvantage... It's a bad deal for this country. We're going to make sure as we make deals we're going to put the interests of America first." (06/04/17)

The Washington Post: Scott Pruitt, outspoken and forceful, moves to the center of power within the Trump administration. "Less than four months ago, Scott Pruitt arrived in Washington with few connections to President Trump's inner circle and took the helm of an agency where many employees were openly hostile to him. But the administrator of the Environmental Protection Agency has emerged as one of the most influential policy architects in the president's Cabinet, a skilled and sometimes brash lawyer who is methodically taking apart a slew of regulations and agreements affecting a range of issues, from manufacturing operations to landfills." (06/02/17)

Need to Know Network: Pruitt promises to put states back in the driver's seat on regulations. "Pruitt said during the interview that the Obama administration used the authority of Washington to walk over the states, and looked at states as mere vessels of federal will." (05/11/17)



The Hill: EPA seeks governors' input in rewriting Obama water rule. "EPA is restoring

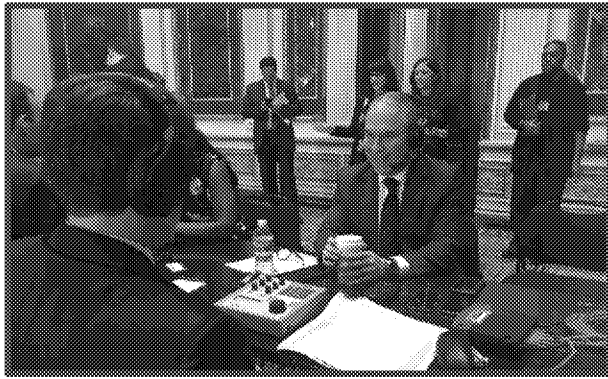
states' important role in the regulation of water,' Pruitt said in a statement. 'Like President Trump, I believe that we need to work with our state governments to understand what they think is the best way to protect their waters, and what actions they are already taking to do so. We want to return to a regulatory partnership, rather than regulate by executive fiat.'" (05/09/17)

The Washington Examiner: EPA Head Pruitt: We hear East Chicago's concerns 'loud and clear.' "Environmental Protection Agency Administrator Scott Pruitt visited East Chicago on Wednesday to assure residents, state and local leaders that Washington is meeting its commitments to protect citizens from lead contamination. 'Their concerns were heard loud and clear, and I am committed to ensuring that the EPA works with our federal, state and local partners to find solutions that protect the health and safety of East Chicago,' Pruitt said." (04/19/17)

The Wall Street Journal: Scott Pruitt's Back-to-Basics Agenda for the EPA. "You might call him an EPA originalist... When Mr. Pruitt sat down Thursday for his first interview since his November nomination, he spent most of the time waxing enthusiastic about all the good his agency can accomplish once he refocuses it on its statutorily defined mission: working cooperatively with the states to improve water and air quality." (02/17/17)

## NATIONAL RADIO & PODCAST

The Daily Signal Podcast: EPA Administrator Scott Pruitt explains how the Agency has changed under President Trump's leadership. "'The weaponization of the Environmental Protection agency is over,' says Administrator Scott Pruitt." (02/26/18)



The New York Times' 'The Daily': Pruitt discusses how he's focused on protecting the environment and human health. "The role of a regulator is to make things regular. To take a statue, to use its authority, to fairly enforce it." (02/02/18)

The Hugh Hewitt Show: EPA Administrator Scott Pruitt on 'so called' Clean Power Plan. "For the first time ever, the EPA took its authority and said we can dictate, really coerce states and utility companies across the country and tell them how to generate electricity. You know, when you look at how we generate electricity in this country, we obviously use multiple energy sources." (10/11/17)



ABC News "Powerhouse Politics Podcast:" Scott Pruitt talks about Hurricane Irma recovery efforts. "There's many issues, from drinking water to Superfund to debris management and landfills, that we're dealing with in this kind of situation." (09/08/17)

Fox News' Brian Kilmeade Show: EPA Chairman Scott Pruitt on potential ramifications of pulling out of the Paris Climate Agreement. "We are leading the world now, we are at pre-1994 levels with our CO-2 footprint, not because of Paris, not because of a government mandate but because of innovation and technology. For those who say we are going to lose our seat at the table, we are the United States, we don't lose our seat at the table." (05/19/17)

The Hugh Hewitt Show: EPA Administrator Scott Pruitt on new direction for science boards at the EPA. "You know, Hugh, as you know, the board of scientific counselors that we have at the EPA, they serve three year terms. And so those are reviewed every three years. Those same individuals can apply through the competitive process. And what's really been emphasized by Congress as I went through the confirmation process is geographical representation, because you want to ensure as you're dealing with rulemaking – air, water, whatever rulemaking we're doing, that the geographical uniqueness of our country as we're patching rules is taken in consideration." (05/11/17)

## REGIONAL MEDIA

Reno KRNV-TV: Pruitt discusses his visit to Nevada. "Administrator of the Environmental Protection Agency Scott Pruitt sat down with News 4's Bill Frankmore on Monday morning to discuss his event with Governor Brian Sandoval at Anaconda Mine in Lyon County regarding future clean-up and his visit with miners at Coeur Rochester Mine in Lovelock." (02/05/18)



The St. Louis Post-Dispatch: Pruitt outlined his course of action to cleanup West Lake. "In a long-awaited decision that appears to be a compromise, the Environmental Protection Agency on Thursday recommended partial excavation of the West Lake Landfill in Bridgeton to remove radioactive waste linked to the Manhattan Project." (02/01/18)

St. Louis KMOX-TV: Just Moms STL was happy with Pruitt's decision regarding West Lake. "Dawn Chapman and Karen Nickel of the Just Moms STL advocacy group say at first, the group was worried a partial removal would mean only 5percent removed. With a 70percent or more removal — they are pleased. 'I can tell you that we are happy with this decision, and what this does for us is it gives us direction,' Nickel says. 'We've gone without a decision at the site for 10 years, and it's time that we have direction.'" (02/01/18)

Cedar Rapids Gazette: Pruitt wants to work hand in hand with states. "'What's important for us in Washington, D.C., to do is to learn and partner and work with folks at the state level to achieve good outcomes together. That just simply has not happened for a number of years,' said EPA Administrator Scott Pruitt, during a stop in Nevada." (12/01/17)

Des Moines Register: Pruitt called farmers the first "conservationists, environmentalists."

"Pruitt said the country needed to discuss what 'true environmentalism' means: 'We have been blessed with a bounty of natural resources. And some view that as 'We should simply not use them' — that we should put up fences and not use our natural resources. 'I don't buy that. We, as a country, have an obligation to feed the world and power the world,' he said, getting applause. 'When you have the natural resources like we do, we should use them to benefit our neighbors, our country and world.'" (12/01/17)

Louisville WHAS-TV: Pruitt will have changes to Obama's WOTUS. "The head of the United States Environmental Protection Agency was in Louisville Thursday with a promise of change to one of the most controversial environmental regulations for Kentucky farmers. Administrator Scott Pruitt told the Kentucky Farm Bureau's 98th Annual Meeting that the "Waters of the United States" regulation will be changed forever by mid-2018." (12/01/17)

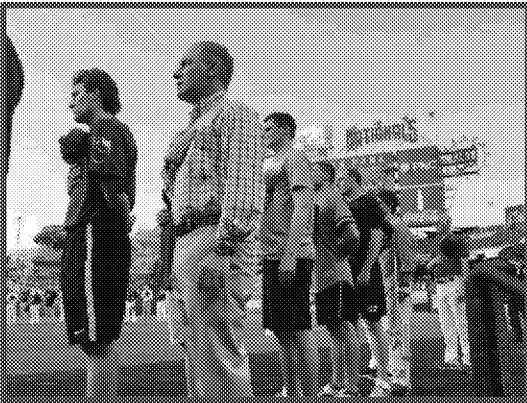
The Chicago Tribune: Pruitt orders companies blamed for East Chicago contamination to pay for cleanup. "'We continue to make cleaning up East Chicago a priority, to protect the health and well-being of the residents who live in the impacted areas,' said EPA Administrator Scott Pruitt in a statement. The EPA estimated the companies will have to pay \$24 million for the remediation, according to the announcement, and \$2.25 million for the indoor dust cleaning.'" (10/18/17)



The Clarion Ledger: Pruitt addressed energy issues in Mississippi. "U.S. Environmental Protection Agency Administrator Scott Pruitt visited Mississippi Thursday to discuss proposed changes to the Waters of the United States rule, just days after announcing the repeal of the Clean Power Plan." (10/13/17)

Houston Chronicle: After Harvey, Pruitt vows bold response to polluted sites around Houston. "Environmental Protection Agency Administrator Scott Pruitt, who has visited Texas twice since Hurricane Harvey, vowed Thursday to have 'an answer' by next month for a permanent solution to clean up the San Jacinto River Waste Pits." (09/22/17)

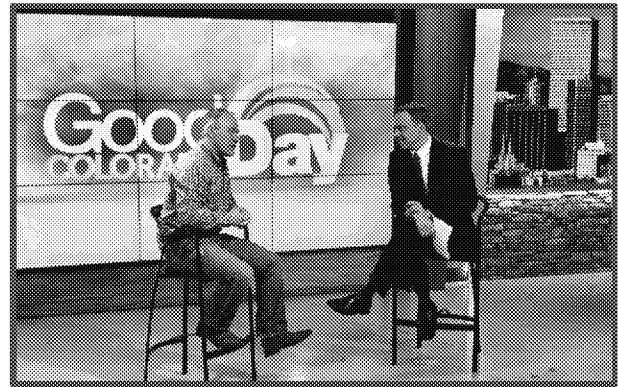
Des Moines WHO-TV: EPA chief, a former baseball exec, wants 'world, world series.' "I think baseball is one of those sports we can actually truly have a world series, we can have a world competition. We've seen it in other instances and I think that's an opportunity that we need to be pursuing." (08/14/17)



Administrator Pruitt stands for the National Anthem at the Congressional Baseball game on June 15, 2017.

Des Moines WHO-TV: EPA Head Agrees That Des Moines Superfund Site Needs to Develop, But When? "Political Director Dave Price talked to Environmental Protection Agency Administrator Scott Pruitt about efforts to redevelop superfund sites, like Des Moines, all over the country." (08/08/17)

Radio Iowa: Pruitt visits Iowa to discuss WOTUS. "Pruitt said his goal is to provide 'regulatory clarity' with a new rule, so property owners will know where federal jurisdiction begins and ends. 'If you want to build a pond on your land,' Pruitt said, 'if you have natural springs on your land and you want to want to water your livestock and build (a retention) pond...and you're not really sure whether if you do that you're going to be subject to \$37,000-plus a day in fines if you don't get a permit and you find it out five years from now, what does that mean? You don't build the pond or you don't build the subdivision or you don't use your land the way you want.'" (08/08/17)



Denver KDVR-TV: Pruitt Gold King Mine on 2-Year Anniversary of Spill Caused by Agency. "Environmental Protection Agency Administrator Scott Pruitt and Colorado leaders will tour the site of the Gold King mine spill on Friday to mark the second anniversary of the spill that dumped 3 million gallons of tainted wastewater into the Animas River." (08/04/17)

Arkansas Democrat Gazette: Pruitt discusses WOTUS in Arkansas. "EPA Administrator Scott Pruitt visited with Arkansas Cabinet officials and agriculture representatives Thursday about changes they would like to see made to the nation's definition of protected water bodies." (07/21/17)

Minneapolis Star Tribune: Pruitt Signals Welcome Support for Great Lakes Restoration Project. "Environmental Protection Agency Secretary Scott Pruitt's visit to Minnesota last week yielded an unexpected boon for those who care about clean water. In an interview with a Star Tribune reporter, Pruitt affirmed his support for federal funding of the Great Lakes Restoration Initiative, which provides landmark protections for Lakes Huron, Erie, Michigan, Ontario and, most treasured by Minnesotans, Superior." (07/21/17)

Minneapolis Star-Tribune: Pruitt is working hard to protect the Great Lakes. "Scott Pruitt, the nation's top environmental officer, said Wednesday he endorses continued federal funding for a landmark cleanup of the Great Lakes... 'It's a continuing need, and we have to see that it's adequately funded.'" (07/20/17)



Twin Cities WCCO-TV: Pruitt gave an in-depth interview about the EPA's Back-To-Basics Agenda. "EPA Administrator Scott Pruitt was in studio for an exclusive interview while he was in the state to meet with Gov. Mark Dayton. He's in Minnesota as part of his Back-To-Basics tour and talked about rolling back regulations." (07/19/17)

Deseret News: Pruitt visited Utah and talked about WOTUS. "EPA Administrator Scott Pruitt visited Utah as part of multistate tour to get input on how the agency can be more responsive to states' needs in general and in specific how the controversial Waters of the

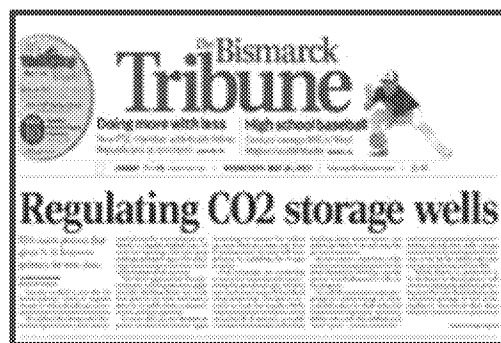
United States rule should be retooled." (07/18/17)

Salt Lake City KTVX-TV: Pruitt discusses his Back-To-Basics agenda. "EPA Administrator Scott Pruitt made his first stop on the State Action Tour here in Utah. This morning he sat down with Glen Mills on Good Morning Utah exclusively to talk about the tour." (07/18/17)

Tulsa World: EPA Chief Scott Pruitt says he's 'determined to prioritize Superfund cleanups.' "'It's important that we address state and tribal rights when protecting the environment and natural resources,' Pruitt said upon announcement of a new grant awarded the Quapaw Tribe." (05/31/17)

Tulsa World: EPA's Pruitt: Agency is 'doing what it's supposed to do' at Osage pollution site. "'This is just leadership,' Pruitt said. 'It's our agency doing what it's supposed to do, coming in, finding out what the source of the problem is, getting it corrected.'" (05/28/17)

Minot Daily News: Governor Burgum says Pruitt is good for North Dakota. "Burgum said he feels Scott Pruitt, the new administrator of the Environmental Protection Agency, will have the biggest single impact on North Dakota. Pruitt, an attorney, is a Republican politician from Oklahoma. He has been a leading advocate against the EPA's activist agenda, including suing the EPA to block its Clean Power Plan and Waters of the United States rule." (05/01/17)



## WHAT THEY'RE SAYING

### Air

Senator Tom Cotton, (R-Ark.): "It's decisions like this one that are slowly but surely rebuilding trust between rural America and the EPA. I'm glad to see the EPA focus on concrete problems, like haze and other forms of pollution, and also show respect for our state officials' authority. It's a much-needed corrective to the heavy-handed ways of the previous administration, and I look forward to our state developing its own implementation plan, working in cooperation with—not under the thumb of—the EPA." (01/29/18)

Becky Keogh, director, Arkansas Department of Environmental Quality: "Today we are pleased to accept an EPA grant to drive further innovative, cost-effective solutions and continuous improvement in Arkansas's air, which is critical for healthy communities and economic progress. Through cooperative efforts, Arkansas's state of air quality is one of the best in the nation—achieving all national air quality standards. Our progress is most effectively achieved through actions and support from local, state, and federal partners." (01/29/18)

Todd Sax, head, California Air Resources Board Enforcement Division: "California Air Resources Board rules are designed to protect public health by ensuring all Californians breathe clean air. We appreciate our partners at U.S. EPA who are helping to achieve federal air quality standards throughout the State." (11/29/17)

Denise Koch, director, Alaska Department of Environmental Conservation Division of Air Quality: "We are encouraged by the Borough's efforts to work with the community to reduce emissions and appreciate EPA's approval of the

moderate area plan. This will enable us to focus our efforts on developing the serious area plan and improving air quality in the area. The improved local ordinance, long running changeout program to provide funding to upgrade wood stoves and hydronic heaters to cleaner heating appliances, and the annual Fairbanks Clear the Air Forum and Expo are providing the local community with the information and tools needed to solve the air quality problem locally." (08/29/17)

Bryan Shaw, Ph.D., chairman, Texas Commission of Environmental Quality: "We are pleased with the improvement in air quality, and the Texas Commission on Environmental Quality will continue to monitor during on-going remediation activities to make sure compliance with federal standards continues." (06/29/17)

### Chemicals and Pesticides

Angela Logomasini, Ph.D., senior fellow, Competitive Enterprise Institute: "Pruitt's action [to deny chlorpyrifos ban] sets an important pro-science approach to regulation that the agency should continue to follow." (08/10/17)

Cal Dooley, president and chief executive officer, American Chemistry Council: "We commend Administrator Pruitt for his attention to improving the efficiency of new chemical review under an amended TSCA. U.S. businesses, jobs, and competitiveness depend on a functioning new chemicals program. In just the last month, significant progress has been made to relieve the backlog, and we welcome the Administrator's commitment to have the program functioning smoothly again by the end of July." (06/05/17)

Mike Witt, corporate director of health and environmental research, Dow Chemical: "Administrator Pruitt and his team at the EPA have made great progress over a very short

period of time to accelerate new chemical reviews, providing American manufacturers with new and safe materials that will help drive innovation and manufacturing growth." (06/05/17)

The California Cotton Ginners and Growers Association: "EPA's denial of [the petition to ban chlorpyrifos] is based off of the foundation in which EPA was created on, relying on sound-science and a transparent process. EPA will now direct its efforts to updating and revising its human health assessment for chlorpyrifos under the standard procedures of the ongoing registration review process, scheduled for completion on October 1, 2022. This is great news for producers and shows the EPA's redirection towards supporting a scientific process!" (03/30/17)

## **Clean Power Plan**

Senator John Barrasso (R-Wyo.), chairman, U.S. Senate Committee on Environment and Public Works: "The Trump administration is listening to the people of Wyoming. Today's announcement that the EPA will hold a listening session in Gillette, on the impacts of the so-called 'Clean Power Plan,' demonstrates the administration's commitment to hear directly from the people who would have been hurt most by this punishing regulation. The Clean Power Plan would have meant lost jobs for energy workers in Gillette and across Wyoming. I am thankful to EPA Administrator Scott Pruitt for his leadership on this important issue." (12/06/17)

Paul Bailey, president and chief executive officer, The American Coalition for Clean Coal Electricity: "The Clean Power Plan is the poster child for bad regulation. It is illegal, expensive, and ineffective, and we commend Administrator Pruitt for repealing it." (10/10/17)

Congressman Paul A. Gosar (R-Ariz.), chairman, Congressional Western Caucus: "The so-called 'Clean Power Plan...picked winners and losers at the expense of American job creators. I applaud Administrator and the Trump Administration for acting to rollback the unconstitutional and fundamentally-flawed Obama mandate." (10/10/17)

Jay Timmons, president and chief executive officer, National Association of Manufacturers: "Manufacturing workers can feel a tremendous sense of relief today. The Trump administration has made the right decision and ended a policy that threatened manufacturers' access to affordable, reliable energy and did not even adhere to existing law." (10/10/17)

Chrissy Harbin, vice president of external affairs, Americans for Prosperity: "This is a welcome departure from the Washington-first, Americans-last approach that characterized energy and environmental policy under the previous administration. The Clean Power Plan (CPP) was an overreach of executive power... It's great to see President Trump and EPA Administrator Pruitt rein in this sweeping mandate." (10/09/17)

Hal Quinn, president and chief executive officer, National Mining Association: "Administrator Pruitt will signal a decisive break with past policies that have used regulation of doubtful legality to circumvent the will of Congress, usurp States' authority and raise costs on American consumers. Repealing this Obama-era rule would close a chapter of regulatory overreach that set standards without regard to the steep costs or availability of technology necessary to meet them. The Clean Power Plan represented an unlawful attempt to transform the nation's power grid." (10/06/17)

Jim Matheson, chief executive officer, National Rural Electric Cooperative Association: "Affordable and reliable power is fundamental to a successful economy. We appreciate the Trump administration working to protect American families and businesses from the potentially devastating impacts of the Clean Power Plan." (03/28/17)

## Cooperative Federalism

Amanda Bowen, executive director, Manufacturers Association of Florida: "The Manufacturers Association of Florida commends EPA Administrator Scott Pruitt's laser focus on ensuring the protection and conservation of Florida's unique natural resources and ecosystems, while also maintaining sustainable and economically productive communities." (02/05/18)

John L. Hoblick, president, Florida Farm Bureau: "I applaud Administrator Pruitt's visit to Florida and his willingness to listen to the concerns of our growers. These concerns often stem from an oppressive regulatory environment, and the EPA has taken encouraging steps to curb federal overreach, such as rescinding the 2015 'Waters of the United States' rule." (02/05/18)

Brian Kraft, owner, Alaska Sportsman's Lodge: "This is an encouraging step for many Alaskan businesses and families that depend on Bristol Bay salmon. The EPA made the right decision by listening to local people, dozens of Alaskan business owners, and sportsmen and women around the country." (01/26/18)

Chris Blankenship, commissioner, Alabama Department of Conservation and Natural Resources: "The State of Alabama welcomes EPA as the new Chairperson of the RESTORE Council. Alabama strongly supports the collaborative nature of the RESTORE Council between the five Gulf States and our federal

partners which is so foundational to restoration of the Alabama coast resulting from the impacts of the Deepwater Horizon oil disaster, as well as the cumulative effects of hurricanes on the sustainability of our important coastal resources and the people that rely on them." (12/06/17)

Mark Haney, president, Kentucky Farm Bureau: "We appreciate the EPA Administrator visiting our annual meeting to listen to farmers about their conservation efforts and concerns related to their operations. Administrator Pruitt, a fellow Kentuckian, knows the hard work our farmers put in on a daily basis to keep our farms financially and environmentally sustainable." (11/30/17)

Governor Phil Bryant, (R-Miss.): "Mississippi farmers are the original conservationists. I am grateful for Administrator Pruitt's commitment to working with us to develop strategies that will strengthen agriculture in Mississippi while protecting our environment." (10/12/17)

Evaristo Cruz, chairman, National Tribal Caucus: "The 1984 EPA Indian Policy is a critical instrument that provides both the EPA and Native American tribes with principles that illustrate the federal trust relationship. On behalf of the National Tribal Caucus we would like to thank Administrator Pruitt for upholding and honoring this legacy that EPA has instituted." (10/11/17)

## Disaster Relief

Julia M. Nazario Fuentes, Mayor of Loíza: "This work in conjunction with the EPA is a great example of how our administration is building partnerships with federal, state and nonprofit organizations. It is important that our citizens follow the instructions provided by the EPA and our Recycling Office, so that we can keep Loíza clean. Our thanks to the EPA staff for the

speed with which we have worked on this project." (01/12/18)

Governor Greg Abbott, (R-Texas): "Both the EPA and the state are working closely and collaboratively [to monitor the Texas sites and make sure the public health is not imperiled]." (09/05/17)

Bob Dinneen, president and chief executive officer, Renewable Fuels Association: "The RFA applauds the EPA's decision to waive certain fuel regulations for 12 states and D.C. due to the fuel supply emergency caused by Hurricane Harvey. We believe the waiver has the potential to provide much-needed relief to consumers in these areas facing gasoline supply shortages and price spikes." (08/10/17)

## **Forestry**

Bob Cleaves, president and chief executive officer, Biomass Power Association: "The biomass industry greatly appreciates Administrator Pruitt's strong commitment to create regulatory certainty for biomass power producers and all contributors to the wood supply chain." (02/14/18)

Jason Stock, executive director, New Hampshire Timberland Owners Association: "The New Hampshire Timberland Owners Association is pleased Administrator Pruitt took the time to come to New Hampshire to meet with timberland owners, and members of the forest products industry. As the second most forested state in the nation, New Hampshire's forests are an important part of our heritage, culture, and economy. Having a regulatory environment that promotes the growing, management and processing of timber will ensure this legacy continues." (02/14/18)

## **Fuel Economy Standards**

Mitch Bainwol, president and chief executive officer, The Auto Alliance: "With this

announcement, the Administration is fulfilling its commitment to reinstate the midterm evaluation of future vehicle fuel economy and greenhouse gas standards. This review is important to consumers nationwide who want government to rely on the facts to drive improvements in fuel economy. We're delighted to see the two federal agencies align and coordinate their programs, and we thank Secretary Chao and Administrator Pruitt for working closely together to harmonize a review driven by the most current data, consumer preferences and marketplace realities. (8/10/17)

Peter Welch, president and chief executive officer, National Automobile Dealers Association: "NADA applauds the Trump Administration for reaffirming our shared commitment to a transparent, fair and data-driven midterm review of fuel-economy standards." (03/15/17)

## **International Cooperation**

Gian Luca Galletti, Italian Minister of the Environment: "The protection of the environment and public health is a common goal for Italy and the United States. There are many themes that see our common commitment. The presence of Administrator Pruitt at the G7 Environment in Bologna has been a very important element that allowed us to start constructive dialogue on all environmental issues as well as to open new channels of business cooperation between our two countries." (06/11/17)

Brad Wall, Premier of Saskatchewan, Canada: "I was grateful for the chance to meet with Administrator Pruitt. Canada and the U.S. can work together on a continental approach to energy and the environment that focuses on technological innovation like CCS and clean coal initiatives without tax and regulatory policies that cost jobs." (04/04/17)

## Regulatory Reform

Barry Hart, executive vice president and chief executive officer, Association of Missouri Electric Cooperatives: "We are encouraged to see that the Trump Administration understands the concerns of people in rural America and is committed to bringing the change they want. We look forward to working with Administrator Pruitt and other administration officials as they work to ensure Washington regulations don't harm the people who can least afford it — our members — and help rural communities create jobs." (04/20/17)

Mike Jackson, chief executive officer, Auto Nation: The Trump Administration is "absolutely doing the right thing" when it comes to rolling back environmental regulations from the Obama Administration. (02/16/17)

Senator Mitch McConnell (R-Ky.), U.S. Senate Majority Leader: "I applaud Administrator Scott Pruitt for his decision to delay this Obama Administration issued regulation. [The 2015 Ozone Standards were] yet another attack on the Middle Class by the Obama Administration and was forced through despite significant concern from communities across the country. Today's postponement will give states and municipalities relief in the interim while EPA continues to review NAAQS levels." (06/06/17)

## Scientific Advisory Board Reforms

Howard Feldman, senior director for regulatory and scientific affairs, American Petroleum Institute: "Smart, science-based regulations are essential to our nation meeting its energy and environmental needs well into the future. Administrator Pruitt's actions today advance the administration's commitment to promoting American energy production, transportation, refining, and use while protecting the environment." (10/31/17)

Senator Jim Inhofe (R-Okla.), senior member, U.S. Senate Committee on Environment and Public Works: "Administrator Pruitt's directive to increase transparency and impartiality at the EPA is welcome news... The reforms implemented today will restore integrity to the science advisory boards and demonstrate a commitment to ensuring that diverse voices are heard from the scientific community and increasing participation from state, local and tribal governments." (10/31/17)

Congressman Lamar Smith (R-Tex.), chairman, U.S. House of Representatives Science, Space, and Technology Committee: "Today's announcement shows that we have an administrator with common sense, commitment and courage. Administrator Pruitt is restoring the EPA advisory boards to their original purpose – to provide the administrator objective advice on science and technology policies." (10/31/17)

## Smart Sectors

Michael D. Bellaman, president and chief executive officer, Associated Builders and Contractors: "The Smart Sectors Program shows it's a new day at EPA—and that's good news for the environment and the economy. The nation's construction industry welcomes the opportunity to collaborate with regulators to ensure that environmental protection is streamlined and cost effective. That's the way government can help industry be more productive, create more jobs and grow the economy." (10/03/17)

John McKnight, senior vice president of government relations, National Marine Manufacturers Association: "We are thrilled to be part of the EPA's launch of its Smart Sectors Program and are proud to represent an industry that's always first in line when it comes

to partnering with EPA to improve its processes and benefits." (10/03/17)

## **Sue and Settle**

Tom Donohue, president and chief executive officer, U.S. Chamber of Commerce: "The U.S. Chamber of Commerce applauded Administrator Pruitt's announcement that he would end the so-called sue and settle scheme, which allowed special interest groups to sue EPA in an attempt to force it to take action on their pet issues." (11/13/17)

American Farm Bureau Federation: "In fulfilling his promise to end the practice of regulation through litigation that has harmed the American public, EPA Administrator Scott Pruitt issued an Agency-wide directive designed to end 'sue and settle' practice with the Agency, providing an unprecedented level of public participation and transparency in EPA consent decrees and settlement agreements." (10/16/17)

Richard Guebert, Jr., president, Illinois Farm Bureau: "We're pleased to see the U.S. EPA move away from the previous administration's closed-door dealings which directed agency policy and into a more transparent form of revisions and rule-making...We would like to thank EPA Administrator Scott Pruitt for working to increase transparency in the regulatory process and helping ensure that all stakeholders have a voice when new environmental rules are developed." (10/16/17)

Steve Milloy, senior policy fellow, Energy and Environmental Legal Institute: "By ending the Environmental Protection Agency's (EPA) 'Sue and Settle' practice as well as improving transparency in consent decrees and settlement agreements, EPA Administrator Scott Pruitt is following through on President Trump's promise to 'drain the swamp.'" (10/16/17)

William Yeatman, senior fellow, Competitive Enterprise Institute: "We agree with Administrator Pruitt's goal of ensuring that the agency—and not special interests—establish federal policymaking priorities." (10/16/17)

## **Superfund**

Governor Brian Sandoval (R-Nev.): "The State of Nevada has secured a path forward to restore and reclaim the full Anaconda mine site on a predictable and transparent timeline...it was an honor to host Administrator Scott Pruitt in Weed Heights for this special announcement. This is a landmark day for those who have worked to accomplish a path toward achieving our shared goal of cleaning up the mine site and I am grateful for the trust of the EPA to defer management of the process to Nevada and the incredible partnership with Atlantic Richfield Company." (02/09/18)

Dawn Chapman, co-founder, Just Moms St. Louis: "We consider 70-plus percent removal of the waste [at the West Lake Landfill] a victory and step in the right direction. Our goals, along with relocating the residents, have always been getting the radioactive waste out of the Missouri River floodplain and away from the threat of the underground fire." (02/01/18)

Congresswoman Ann Wagner (R-Mo.): "After years of broken promises and inaction by previous administrations, Administrator Pruitt and the EPA are proposing a viable, permanent solution for cleaning up the West Lake Landfill. I commend them for delivering on this promise to our community and prioritizing Missourians who have lived in fear and uncertainty for too long." (02/01/18)

Maritza Lopez, East Chicago resident: "Administrator Pruitt recognized that the USS Lead Superfund site was important enough to serve as the first Superfund site that he visited.

His continued attention is appreciated. This should be the standard at all sites where residents are exposed to hazardous contamination." (05/31/17)

## **WOTUS**

Michael Turner, president, Dallas Builders Association: "The Dallas Builders Association commends EPA Administrator Pruitt for holding this roundtable in Dallas to get direct feedback from home builders and developers who are affected by burdensome regulations that raise the cost of housing and harm small businesses. The nation's home builders support the administrator's efforts to enact a revised waters of the U.S. rule that will protect the environment without adding unnecessary regulatory burdens that will hurt housing and other industries in Texas that rely on a predictable permitting process." (08/10/17)

Senator Chuck Grassley (R-Iowa), chairman, Senate Judiciary Committee: "The federal government works for the people of Iowa and the rest of the United States. Administrator Pruitt is right to come to Iowa and hear firsthand how the WOTUS rule and other regulations affect the farmers on the ground who are good stewards of the land while feeding the world." (08/08/17)

Leslie Rutledge, Attorney General, Ark.: "Administrator Pruitt's decision last month to completely re-evaluate the WOTUS rule, minimizing the regulatory burden on countless landowners, demonstrates his commitment to building stronger relationships with state partners." (07/20/17)

Message

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**From:** Munoz, Charles [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AE303B61FC23433E89C844D7842C9626-MUNOZ, CHAR]  
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**CC:** Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]  
**Subject:** EPA - Cabinet Affairs 30 Day Report 1.15.18  
**Attachments:** EPA Cabinet 30 Day Report 1.15.18.docx

See attached for EPA's 30 day report. Please let us know of any questions.

Charles Munoz  
White House Liaison  
Environmental Protection Agency  
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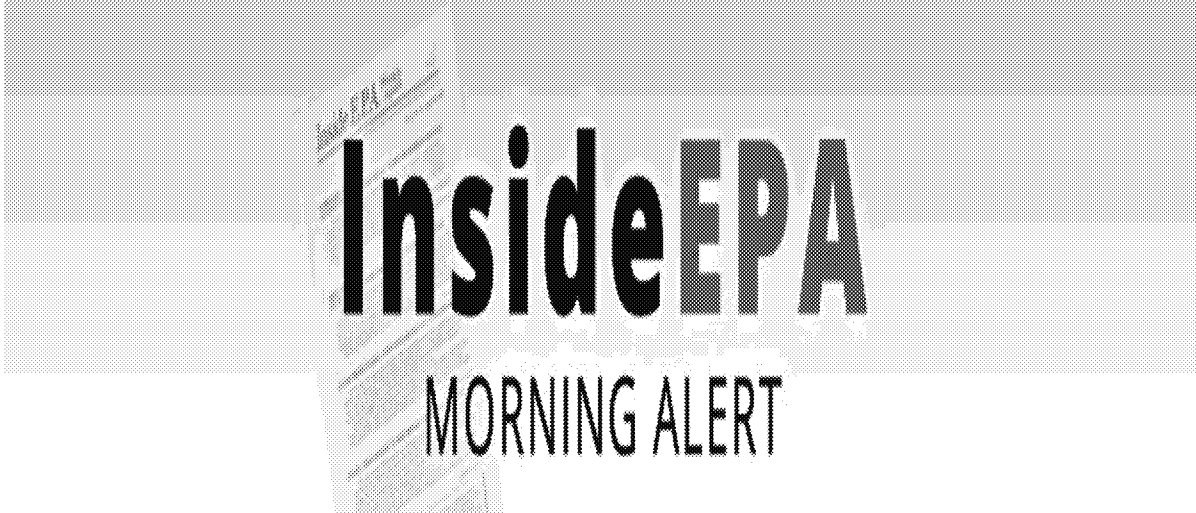
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**Attachments:** EPA Cabinet 30 Day Report 1.22.18.docx

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White House Liaison  
Environmental Protection Agency

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**Subject:** The Morning Headlines from InsideEPA.com -- March 14, 2018



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**REDEFINING EPA: Overhauling an agency and its mission -- Complete coverage**

March 14, 2018

#### Latest News

##### **Industry Seeks To Clarify Tax Law's Limits On Environmental Settlements**

Industry attorneys are asking the Trump administration to quickly clarify whether payments businesses make to settle some environmental enforcement actions still qualify for tax deductions because the new tax law President Trump signed late last year may prohibit them.

##### **Pruitt's 'Streamlining' Guidance Could Help Facilities Avoid NSR Permitting**

EPA Administrator Scott has issued his second major guidance on Clean Air Act new source review (NSR) permits that aims to "streamline" the process companies must go through to determine whether facilities are subject to NSR, prompting criticism from environmentalists who say it will allow firms to avoid NSR altogether.

##### **Pruitt's Rebuff Of Post-2025 Vehicle GHG Rules Highlights California Clash**

EPA Administrator Scott Pruitt appears to be rebuffing California's call to negotiate joint passenger vehicle greenhouse gas rules out to 2030 -- while reiterating claims that the state cannot "dictate" strong vehicle standards -- offering another sign that EPA and the Golden State appear headed for a major clash over pending revisions to federal requirements.

##### **Senate Democrats Sharply Criticize EPA Rationale For Glider Rule Repeal Plan**

Two Democratic senators with primary oversight responsibilities over EPA are boosting pressure on the agency to reconsider its proposed repeal of emissions limits on high-emitting "glider" trucks, sharply criticizing the agency's legal and technical reasoning behind the proposal and requesting an array of documents related to the measure.

##### **Justices To Face Suit On Reach Of CERCLA's Pre-Enforcement Review Bar**

The U.S. Supreme Court could soon be asked to rule on whether the Superfund law's bar on pre-enforcement judicial review extends to state damages claims, opening the door to a ruling on an issue that many observers believe has long been resolved by courts.

## **Facing Superfund Bar, Citizens Renew Push For Navy Monitoring Of PFAS**

Faced with the Superfund law's bar on pre-enforcement judicial review, a group of Pennsylvania residents is renewing its push to force the Navy to provide medical monitoring for exposures to perfluorinated chemicals from its bases, telling an appellate court that the Navy has failed to address several key arguments over whether such monitoring is allowed under the law.

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### **Daily Feed**

#### **Senate EPW to debate agriculture regulatory relief bill**

The Senate environment committee will hold a hearing March 14 to consider several measures designed to ease environmental regulations for the agriculture sector.

#### **EPA loses bid for indefinite stay of states' CWA jurisdiction rule suit**

A federal judge says litigation will resume in 30 days on 10 GOP states' suit over the Obama EPA's 2015 jurisdiction rule, instead of the year or more that the Trump administration sought.

#### **EPA claims suits over interim stay of utility ELG are moot**

EPA says environmentalists have offered no good reason to preserve their suit over a now-expired stay of the Obama administration's power plant effluent rule.

#### **District court judge places Gold King Mine spill suits on hold**

The judge has stayed New Mexico-based litigation over the Gold King spill until a judicial panel decides whether to combine the cases pending there with others over the 2015 disaster.

#### **Pruitt takes another step to streamline NSR**

The administrator's new memo allows permit applicants to consider projected emissions decreases, as well as increases, at the first step of deciding whether a planned construction project is subject to NSR requirements.

#### **Ewire: Could Pompeo at State Department shift climate policy?**

In today's Ewire: Mike Pompeo will soon replace Rex Tillerson as secretary of State, potentially ushering in a further rightward shift in the Trump administration's approach to climate policy. Plus: RFS credit 'hoarding,' Pruitt's travel and more.

#### **Environmentalists threaten EPA with suit to force SO2 plans**

Three environmental groups are threatening EPA with legal action to force agency decisions on states' plans to curb sulfur dioxide emissions.

*Read all the latest EPA news, analysis and documents →*

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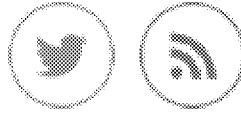
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**From:** Munoz, Charles [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AE303B61FC23433E89C844D7842C9626-MUNOZ, CHAR]  
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**CC:** Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]  
**Subject:** EPA - Cabinet Affairs 30 Day Report 2.20.18  
**Attachments:** EPA Cabinet 30 Day Report 2.20.18.docx

See attached for EPA's 30 day report. Please let us know of any questions.

Charles Munoz  
White House Liaison  
Environmental Protection Agency

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White House Liaison  
Environmental Protection Agency

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White House Liaison  
Environmental Protection Agency

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Seem familiar? Good ol days

Ryan Jackson  
Chief of Staff  
U.S. Environmental Protection Agency

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